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CALIFORNIA'S NARCOTIC REGISTRATION PROGRAM:
LEGISLATION IN NEED OF REVISION

A Project
Presented to the
Faculty of
California State University,
San Bernardino

In Partial Fulfillment
of the Requirements for the Degree
Master of Public Administration

by
Angelina Cavanaugh

June 2003

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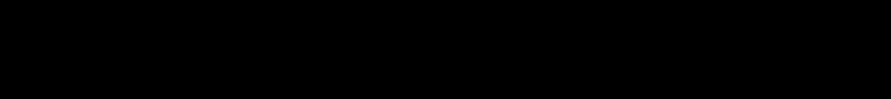

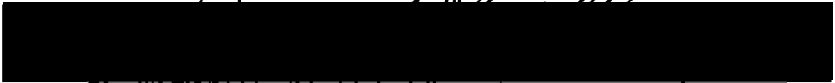
June 2003

Approved by:



Brian Watts, Committee Chair

29 May 2003
Date



David Bellis, Committee Member
David Bellis, Chair,
Department of Public Administration

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ABSTRACT

California's Health and Safety Code Section 11590 requires certain convicted narcotic offenders to register with local law enforcement. From my eleven years of law enforcement experience, observations, and discussions regarding the information collected through the narcotic registration process does little more than sit idle in file cabinets. Nevertheless, every agency that provides law enforcement services to residents of a community must comply.

This research analyzed narcotic registration legislation. The intent and purpose of the legislation which is the ability to track narcotic offenders and to protect the community was determined. This research determined if effective tracking of narcotic registrants occurs, if the registration program's infrastructure is sufficient to protect the community, and whether there a need for the registration program in light of today's technology. The evaluation was based on results from various surveys and interviews.

I surveyed by mail sheriff and police agencies throughout the state. The survey of thirty questions

requested information on resources devoted to administer the program and local administrative procedures. Several interviews with sworn personnel determined their perspectives on the program and how the information is utilized.

The registration program is not a sufficient mechanism to track and protect. Unless an agency is proactively monitoring a narcotic registrant's activity, the information is reactive and does little more than the agency's local criminal database. The benefits of the program can only be determined by the agency and the community they protect. It should at an agency's discretion whether or not to administer the narcotic registration program.

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CHAPTER ONE

INTRODUCTION

The proliferation of illegal narcotic abuse is not new to the 21st century or the 20th century. It was estimated, in the United States, that by the year 1900 there were a quarter of a million addicts to morphine and cocaine (U.S. Department of Justice 1992, 78).

Public policy in the United States dates back to the 1860s at all levels of government to address the growing problem. Policy began with various regulations such as restricting certain populations from their use. Policy then expanded to prohibition with criminal sanction (U.S. Department of Justice 1992, 74).

The state of California was, and continues to be at the forefront of legislation prohibiting the manufacture, sale, or use of narcotics and imposing sanctions for violations thereof. The first recorded law prohibiting narcotic use in the United States was implemented in 1875; the city of San Francisco passed a municipal ordinance prohibiting smoking opium in "dens" (U.S. Department of Justice 1992, 78). California, in 1906, passed legislation prohibiting the sale of cocaine, opium, morphine, codeine,

heroin, any of their salts, or compounds unless by medical prescription (California 1906, 126).

In 1911, two significant policies took effect to control the use of narcotics. One provided for the arrest, hearing, and commitment of inebriates and drug habitués to a state hospital for the insane (California 1910, 396). The other outlawed possession of opium pipes (California 1910, 1108).

Throughout the 1900s California legislators continued to pass narcotic-related policies at a staggering rate in an attempt to regulate and control the sale and use. These policies moved from a generic to a more specific, and the wording used to describe the illegal substances migrated from "poison," to "drug," then to "narcotic."

California legislators, in 1961 responded to the narcotic issue with prohibition, incarceration, treatment, rehabilitation, and registration policies. The registration policy replicated a registration program created in 1947 for sexual offenders and applied that concept of registration to narcotic offenders (California 1947, 2562).

Since 1961, there have been 12 amendments to the narcotic registration legislation. The amendments added

new offenses to the registration requirements or corrected errors. No amendments have been made to improve the administration, monitoring, or to increase penalties for a violation. Sex offender registration added to the California Statutes in 1947 had 12 amendments up until 1984. Since 1984, there have been nearly 50 amendments to the legislation to improve the administration, monitoring, allow public disclosure, and to provide greater penalties.

Narcotic registration provides for the following (California Health and Safety Code Section 11590):

- A limited registration term of 5 years from the discharge from prison, jail, parole, or probation.
- Registration required within 30 days of release and within 30 days of a change in address.
- Violation of registration requirements is a misdemeanor offense.
- Registration documents are not public and not available for inspection or release of information.
- No means provided for effective statewide tracking of the information through computerization.

Sex offender registration, "Megan's Law," on the other hand provides for (California Penal Code Section 290):

- A lifetime registration requirement.

- Offender must register for all residences, or locations if no residence, and must register if located in California while working or attending school.
- If no residence, the offender must register every 60 days.
- Registration within 5 working days of release, within 5 working days of a change in address, and annually within 5 working days of birthday.
- Sexual violent predators must register every 90 days.
- Proof of residence for address verification.
- Penalty level for a violation of registration requirements mirrors conviction level of the offense he or she is required to register for.
- Notification by peace officer allowed to persons, establishments, or organizations when reasons exist that they may be at risk from a sex offender.
- Public disclosure identifying sex offenders also provided through a fee-based telephone system, CD-ROM available at many law enforcement agencies, and currently moving toward a secure web-based system.

- Entry into a statewide computer tracking system mandated by legislation.
- Registrant must disclose he or she is a sex offender if applying for position as an employee or volunteer where unsupervised contact with children occurs (California Penal Code Section 290.95).

There is a third regulatory registration program in the state of California for the tracking and monitoring of arson offenders (California Penal Code Section 457.1). The legislation was created in 1984 and in 1994 amended to require lifetime registration of those who commit specified arson offenses on or after November 30, 1994. The offenders must register within 14 days of release and within 14 days of a change of address. The information is not publicly available and legislation does not provide for statewide computer tracking; however, the Department of Justice has accommodated for the entry into the Violent Crime Information Network (VCIN).

California's sex offender registration program though often criticized is a model program. The seriousness of the crimes necessitates the political attention the legislation has received. Legislators have put in place an

effective tracking system. A far cry from the narcotic offender registration program.

Purpose of the Project

By 1961, with narcotic abuse on the rise, the public began to pressure politicians to address the issue. Their response was prohibition, incarceration, treatment, rehabilitation and registration policies. For more than forty years, the California narcotic registration policy has affected two groups: offenders and law enforcement. At its inception the registration program was deemed a beneficial tool to law enforcement. The intent was to provide to law enforcement a tool for tracking narcotic offenders and protect the community from the effects of narcotics. Limited technology supported the need for a narcotic registration program and an abundant availability of public resources made for a feasible program.

In the wake of technology and today's law enforcement administration, a necessity exists to evaluate narcotic registration policies and the program's effectiveness. Since implementation, the effectiveness of the program has been questioned, but never ventured upon.

Problem Statement

This research will evaluate California's narcotic registration program to determine whether or not the intent and the purpose established in the legislation is being met.

The narcotic registration infrastructure currently in place will be evaluated to determine if sufficient to allow protection of the community. Narcotic registration's primary infrastructure is composed of legislation, means for tracking, and the attitudes toward the program. The tracking of narcotic offenders will be evaluated to determine the effectiveness and this research will examine if a need exists for the registration program (as currently structured) taking into account today's available technology.

Limitations of the Project

This research endeavor lacks a knowledge base by other research. No relevant literature analyzing the California narcotic registration policy was located. The primary documentation utilized for this research was chaptered legislation and pre-law analysis of narcotic offender registration.

The time frame in which to complete this research was a limiting factor. Many other surveys could have benefited or supported this research. One such inquiry would be to other states to determine if a similar program to California's narcotic registration exists. If other states require narcotic offenders to register, it would validate the California narcotic offender registration program.

Another means to validate or denounce the need for the narcotic registration program is a determination of offenders that commit narcotic offenses within the jurisdiction they reside. If a large percent of offenses are committed within the offender's jurisdiction of residence, an agency's computerized local criminal contacts and arrest information would be a sufficient tool.

A cost benefit analysis would also support this research. It would require a survey of law enforcement agencies, to determine the cost of maintaining the program versus their determined benefits. The cost, obtained through a personnel's time spent conducting and managing the program multiplied by the department's expense of those personnel (salary and benefits). Benefits determined through the individual agency could include the number of arrests due to the investigation or tracking of narcotic

registrants or whether the program reduces the number of repeat narcotic offenses.

Due to time constraints, this research did not include information from the California Department of Corrections (CDC). The CDC has a significant role in the narcotic offender registration program; they notify law enforcement of a narcotic offender's release from prison and into their jurisdiction. It would be beneficial to determine the costs to the CDC for mailing notifications along with the personnel costs involved in explaining registration requirements and obtaining pre-registration information. In addition, beneficial information the CDC could provide are the number of parolees who are violated each year for failure to register as a narcotic offender.

A trend in many law enforcement agencies is toward Community Oriented Policing and Problem Solving (COPPS). A study could benefit this research to determine if the COPPS program handles many of the narcotic issues that the registration program was hoping to address.

Definition of Terms

CLETS: California Law Enforcement Telecommunications System. A computer system networked statewide to aid law

enforcement with their needs (CLETS Policies, Practices, and Procedures, 2001).

Controlled Substance: A drug, substance, or immediate precursor which is listed in Schedules I - V of the California Health and Safety Code under Sections 11054 through 11058 (California Health and Safety Code Section 11007).

Deputy: Peace officer employed by a county sheriff.

Drug: A substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals (California Health and Safety Code Section 11014).

Felony: A crime which is punishable with death or by imprisonment in the state prison (California Penal Code Section 17(a)).

Misdemeanor: A crime which is punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding \$1000, or by both (California Penal Code Section 17(b)(1)-17(b)(5)).

Narcotic: A substance, produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis (California Health and Safety Code Section 11019).

Police Department: A law enforcement agency with jurisdiction over a municipality or city.

Police Officer: Peace officer employed by the state, a municipality, or police department.

Schedule: Classification of controlled substances into similar categories. The state of California classifies into five schedules or categories.

Sheriff Office: A law enforcement agency with jurisdiction over a county. There are 58 sheriff offices in the state of California.

Sheriff Station: A physical building within one sheriff office that provides law enforcement services to a segment of the jurisdiction.

VCIN: Violent Crime Information Network, operated within CLETS. The network contains registration information on convicted sex and arson offenders.

CHAPTER TWO
LEGISLATIVE HISTORY OF
NARCOTIC REGISTRATION

This chapter is devoted to the evolution and implementation of narcotic offender registration. An examination of the history and development is salient to the policy analysis framework for this research.

1961 Legislation

Chapter 850

On June 24, 1961, California Governor Edmund G. Brown approved Senate Bill Number 81 (S.B. 81) authored by State Senator Edwin J. Regan which began narcotic offender registration in California. This approval enacted Chapter 850 of the 1961 Statutes and became what was then known as California Health and Safety (H&S) Code Sections 11850, 11851, 11852, and 11853. The legislation, which went into effect September 15, 1961, required a registration process for those who violated and were convicted of certain narcotic offenses. The offenders were required to register with their local law enforcement agency within thirty days

of release from confinement or date of conviction if no confinement.

Initially, H&S Code Section 11850 mandated registration when convicted of any one of thirteen Health and Safety Code statutes. The Section and basic description of offenses included:

- 1) § 11500 - possession of a narcotic other than marijuana
- 2) § 11500.5 - possession for sale any narcotic other than marijuana
- 3) § 11501 - transport, import, sell, furnish, administer, or give away any narcotic other than marijuana or offers to do any of the above
- 4) § 11502 - voluntarily solicit, induce, encourage, or intimidate any minor to violate any narcotic law other than marijuana
- 5) § 11503 - the unlawful sale, furnish, transport, administer or giving of narcotic or any other liquid, substance, or material in lieu of a narcotic
- 6) § 11530 - plant, cultivate, harvest, dry, process, or possess marijuana

- 7) § 11530.5 - possess for sale any marijuana except as otherwise provided by law
- 8) § 11531 - transport, import, sell, furnish, administer, gives away marijuana or offers to do any of the above
- 9) § 11532 - hire, employ, or use a minor to unlawfully transport, carry, sell, give away, prepare, or peddle marijuana or the unlawful sale, furnish, administer or gives away marijuana to a minor
- 10) § 11540 - plant, cultivate, harvest, dry, or process Lophophora
- 11) § 11557 - maintenance of place for unlawful sale, give away, or use of any narcotic
- 12) § 11715 - forgery or alteration of prescriptions
- 13) § 11721 - person being under the influence of or addicted to the use of narcotics

Health and Safety Code Section 11851 required notification to narcotic offenders of their obligation to register; the requirement to register had to be disclosed to the offender prior to the release from confinement or when paroled. The statute stipulated that the institution shall require the person to read and sign any form required

by the State Bureau of Criminal Identification and Investigation (BCII) acknowledging that the duty to register had been explained. The institution was then to obtain the address at which the person expected to reside. The collected information was then to be forwarded to the BCII, which in turn would forward the information to the jurisdiction where the person expected to reside. Health and Safety Code Section 11852 had the same requirements as H&S Code Section 11851 but specified registration for those who were released on probation or discharged after payment of a fine.

Health and Safety Code Section 11853 determined information collection requirements for registration. The section mandated collection of information through a written statement, the contents determined by the BCII. The written statement required signature of the registrant. In addition, a photograph and fingerprints of the registrant were required. The collected information was then to be forwarded to the BCII.

Health & Safety Code Section 11853 also established the length of time offenders would have to register. The requirement to register with law enforcement terminated five years after the discharge from prison, jail, or upon

termination of probation or parole. A misdemeanor sanction was spelled out in this section, for those who knowingly violated the registration requirements.

In addition to the registration requirements, Chapter 850 established H&S Code Section 6400. Under this section, the Department of Corrections was to provide education, treatment, and rehabilitation for those who are, and who have been, in imminent danger of addiction to narcotics.

1965 Legislation

Chapter 941

The first amendment to Section 11850 of the Health and Safety Code was recorded under Chapter 941 of the 1965 Statutes of California. The amendment added the requirement to register when convicted in a federal court for drug-related crimes that, if committed in this state, would require registration.

1972 Legislation

Chapter 796

Assembly Bill 414 (A.B. 414), Chaptered as 796 of the 1972 Statutes dramatically changed H&S Code Section 11850. The initial legislation consisted of a single paragraph.

This amendment created three subdivisions labeled (a), (b), and (c).

In subdivision (a), the addition of H&S Code Section 11530.1 increased the number of offenses requiring registration upon conviction from thirteen to fourteen. A violation of the section is those who plant, cultivate, harvest, dry, or process any marijuana, or any part thereof. Health and Safety Code Section 11530.1 became law in 1968 but was not added as an offense requiring registration at that time. In addition, the effective date of September 15, 1961 was added into H&S Code Section 11850, subdivision (a). The initial legislation expressed "hereafter" as an effective date.

Subdivision (b), segregated the 1965 amendment that added registration requirements for those convicted in any federal court of a drug-related crime requiring registration if committed in this state. The effective date of September 17, 1965 was added into subdivision (b).

Subdivision (c), added a "liberal" slant to the narcotic registration legislation; eliminating registration requirements for misdemeanor convictions under H&S Code Sections 11530 (to plant, cultivate, process, possess,

etc., marijuana), and 11721 (under the influence of a narcotic involving marijuana).

Chapter 1377

Chapter 1377 amended H&S Code Sections 11851, 11852, and 11853. The wording "State Bureau of Criminal Identification and Investigation" was replaced with the wording "Department of Justice" throughout all three Sections.

Chapter 1407

In 1971, Assembly Bill 192 (A.B. 192) was introduced and enacted under Chapter 1407, of the 1972 Statutes. This legislation created the California Uniform Controlled Substances Act that paralleled the Federal Uniform Controlled Substances Act of 1970. The Act established five schedules or categories of narcotics--Schedule I consisting of narcotics with the highest potential for abuse and Schedule V consisting of those with the lowest potential for abuse. Prior to the Uniform Controlled Substances Act, only two categories (narcotics and restricted dangerous drugs) existed in California Statutes.

The impact of this legislation on narcotic offender registration was minimal in content. One change removed

the specific dates of when the legislation went into effect; the dates that had been added under Chapter 796.

The legislation executed many changes to the numbering of Sections within the Health and Safety Code. Section 11850 was repealed and renumbered § 11590; Section 11851 was repealed and renumbered § 11592; Section 11852 was repealed and renumbered § 11593; and Section 11853 became § 11594. All violation offenses requiring registration within Sections 11850/11590 also were repealed and renumbered, Table 1 lists these changes.

Offenses requiring registration increased from fourteen to fifteen due to the repeal of Section 11502 and its replacement with two new sections. The generic description in Section 11502 of "Every person" (a reference to whom the section pertains) was developed in Section 11353 to read "Every person 18 years of age or over" and in Section 11354 to read "Every person under the age of 18 years."

The approval by the Governor of Chapter 1407 and Chapter 1377 were within one day of each other. Chapter 1407 did not reflect the changes made under Chapter 1377 changing "State Bureau of Criminal Identification and Investigation" to "Department of Justice." Chapter 1407

Table 1. Health and Safety Codes Repealed and Replaced under Chapter 1407 of the 1972 Statutes

Offense Sections Prior to Chapter 1407	Chapter 1407 Offense Changes
11500	11350
11500.5	11351
11501	11352
11502	11353 / 11354
11503	11355
11530	11357
11530.1	11358
11530.5	11359
11531	11360
11532	11361
11540	11363
11557	11366
11715	11368
11721	11550

reverted back to the wording of "State Bureau of Criminal Identification and Investigation."

1974 Legislation

Chapter 545

Health and Safety Code Section 11590, Subdivision (b), in Chapter 1407, of the 1972 Statutes contained a typographical error. The last sentence of the subdivision left out the word "of" in "chief of police." Chapter 545 of the 1974 Statutes amends H&S Code Section 11590, subdivision (b), to correct the error by inserting the word "of."

Chapter 1403

Once again, H&S Code Sections 11592, 11593, and 11594 were all amended to remove the wording "State Bureau of Criminal Identification and Investigation" and replace it anywhere it appears with the "Department of Justice." This correction was previously done under Chapter 1377, of the 1972 Statutes, but the subsequent amendment under Chapter 1407 in the same year did not reflect the changes.

1975 Legislation

Chapter 248

Subdivision (c), of H&S Code Section 11590, was amended in Chapter 248, of the 1975 Statutes to remove the registration exemption of Section 11550 for those convicted

of being under the influence of marijuana. This exemption was originally introduced into the legislation in 1972 under Chapter 796.

In addition, Chapter 248 amended subdivision (c), by creating an exemption or eliminating the registration requirement for a misdemeanor conviction of H&S Code Section 11360. Section 11360 can be summarized as transporting, importing, selling, furnishing, administering, or giving away marijuana in this state.

1986 Legislation

Chapter 1044

Created under Chapter 1044 was H&S Code Section 11351.5 which made it illegal to possess a cocaine base for sale. At the same time, under Chapter 1044, H&S Code Section 11590, subdivision (a), was amended to add Section 11351.5 to the list of offenses requiring registration.

1988 Legislation

Chapter 245

In 1988 Assemblyman Johan Klehs introduced Assembly Bill 3018 (A.B. 3018) to require registration of H&S Code Section 11353.5; a section enacted in 1983 but not added to

the registration requirements. The purpose of the measure according to Klehs is to assist law enforcement officials in protecting minors and students from drug dealers (California Senate Committee on Judiciary "Controlled Substance Offenders: Registration," 1988). Section 11353.5 focuses on those selling, preparing to sell, or giving controlled substances to minors upon school grounds or public playgrounds.

In addition, Chapter 245 addressed a challenge to registration by a female who responded that narcotic registration did not pertain to females because the legislation states "he" and "his" throughout. Chapter 245 included the modification to require narcotic registration for females upon conviction of the offenses. The initial legislation and all amendments prior to this point in time referred to "he" or "his" when stating who must register; "she" and "her" were added after each respectively.

1989 Legislation

Chapter 779

Seven Health and Safety Code Sections were added to Section 11590, subdivision (a), as offenses requiring registration with this amendment. The added offenses were:

- 1) § 11378 - possession of a controlled substance for sale
- 2) § 11378.5 - possession for sale of designated substances including phencyclidine
- 3) § 11379 - transportation, sale, furnishing, etc. of a controlled substance
- 4) § 11379.5 - transportation, sale, furnishing, etc. of designated substances including phencyclidine
- 5) § 11379.6 - manufacturing, compounding, converting, producing, etc. controlled substance
- 6) § 11380 - adult using minor as agent, inducing minor to violate provisions, or furnishing to minor that involving controlled substances
- 7) § 11380.5 - adult using minor as agent, inducing minor to violate provisions, furnishing to minor involving controlled substances (involving different controlled substances than § 11380)

Not any of these statutes were new codes; three had become law in 1972, three in 1978, and one in 1985.

Additionally, Section 11590, subdivision (a), was expanded from one to three paragraphs. The second paragraph specified which controlled substances would

require registration for Sections 11378, 11379, and 11380. The third paragraph stated that the offenses spelled out in Sections 11379 and 11379.5 do not require registration if the conviction is for transporting, offering to transport, or attempting to transport a controlled substance. The section specified that the legislation would become effective on July 1, 1990.

Chapter 1098

Four days after Chapter 779 went into effect, the Governor signed Chapter 1098; legislation that added to H&S Code Section 11590, subdivision (a), four additional Health and Safety Code Sections. This required registration for offenses of:

- 1) § 11353.7 - adult preparing for sale, sale or gift of controlled substance to minor in public parks (1988)
- 2) § 11366.5 - renting, leasing, or making available for use a building, room, space or enclosure for unlawful manufacture, storage or distribution of controlled substance (1982)
- 3) § 11366.6 - utilizing building, room, space, or enclosure designed to suppress law enforcement

entry in order to sell, manufacture, or possess
for sale specified controlled substances (1985)

- 4) § 11383 - possession of substance with intent to
manufacture (1972)

Less significant legislative changes within H&S Code
Section 11590, subdivision (a), added as the first phrase,
"Except as provided in subdivisions (c) and (d)..." to
refer to exemptions in the law. The amendment removed the
wording, "on or after that date" to reflect the effective
dates of the various sections, and subdivision (a), was
reduced from three paragraphs to two with the merging the
second and third paragraph.

The amendment added subdivision (d), which stated the
registration requirements for Sections 11353.7, 11366.5,
11366.6, 11377, 11378, 11378.5, 11379.6, 11380, 11380.5, or
11383 did not become effective until January 1, 1990.

An error was made in either subdivision (a), or
subdivision (d). In subdivision (d), Section 11377 had an
effective date as a registration offense of January 1,
1990; however, Section 11377 was not listed in subdivision
(a), as a registration offense.

1990 Legislation

Chapter 1417

Chapter 1417 of the 1990 Statutes, rectified the error made in Chapter 1098 of the 1989 Statutes by adding H&S Code Section 11377, subdivision (a), as an offense requiring registration under Section 11590, subdivision (a). The offense was added to the second paragraph of 11590, subdivision (a).

In addition, Section 11590, subdivision (c), was amended to add that a misdemeanor conviction of Section 11377 would be exempt from registration. Subdivision (d) amends to add Section 11377 to the offenses that are effective on or after January 1, 1990.

1995 Legislation

Chapter 714

Registration requirements were added in Section 11590, subdivision (a) and (d) for a conviction of Health and Safety Code Section 11370.1 (possession of certain controlled substances while armed with a firearm). This amendment was retroactive to offenses committed on or after January 1, 1990. However, Section 2 of Chapter 714 specified, "This act shall become operative only if funds

are appropriated in the annual Budget Act or by other statute to fund the cost of implementing this act."

This caused two versions of the Health and Safety Code Section 11590, subdivision (a) and (d) to be published in statute books. The section without Section 11370.1 is prefaced with "Text of Section pending amendment by Stats.1995, c.714 (A.B.264) (c. 714 operative only if funding is appropriated)." Section 11590, subdivision (a), containing Section 11370.1 as a registration offense is prefaced with "Text of section as amended by Stats.1995, c.714 (A.B.264) (c. 714 operative only if funding is appropriated)."

CHAPTER THREE

METHODOLOGY

Design of the Study

Three research methods were employed in this project:

(1) an examination of legislative documents associated with narcotic offender registration requirements, (2) "in-person" interviews of law enforcement personnel, and (3) distribution of survey instruments to California police and sheriff agencies through the U.S. Postal Service (USPS).

Review of Documentation

Legislative documents examined included narcotic registration statutes, Legislative Committee Records, Legislator Records and Governor Records. Legislative Committee Records commonly referred to as "bill files" contain documents such as Legislative Counsel's opinions, letters of support or opposition to specific legislation, and a variety of legislative analyses. Legislator Records referred to as "author bill files" contain correspondence and background material from the bill's original sponsor along with letters in support and opposition to the bill. Governor Records or Governor Chaptered Bill Files contain analyses prepared by

Legislative Counsel, the state's Attorney General or other government staff. Drawing upon extensive text in the listed documentation, the intent and purpose of the registration program was determined and will be discussed later in the research.

Interviews

Individual interviews were conducted with sworn law enforcement personnel to ascertain their opinions of the program's administration and necessity. Those interviewed held position both at a management and a line level. Interviews were kept to a minimum. One chief of police, one sheriff lieutenant, and two police detectives were interviewed. In addition, several informal conversations with officers took place throughout the project.

Survey

A three-page survey instrument, composed of thirty labeled questions (many containing sub-parts) was developed and distributed via the USPS to 120 sheriff and 341 police agencies throughout California. The survey's primary goal was to collect information about the administration of the narcotic registration program at each agency; such as resources devoted, local procedures, and agency utilization of the information obtained from the registration process.

The majority of the questions had pre-established answers to select, while others allowed for agency discretion.

Survey Population and Sample. *The National Directory of Law Enforcement Administrators, Correctional Institutions and Related Agencies* is a publication for law enforcement of agencies nationwide. The publication is aggregated by agency type such as "Municipal Law Enforcement and County Law Enforcement," then grouped by state. The population sample for this project consisted of agencies listed in the California Municipal Law Enforcement and County Law Enforcement sections. Excluded from this population sample were agencies (such as harbor and navigational) who are known (through personal experience) not to conduct narcotic offender registration. Survey recipients were selected from this population sample.

In December 2001, the survey instrument was addressed and mailed to the Chief of Police of 341 municipal police departments. Approximately four weeks later in January 2002, 120 surveys were addressed to the Sheriff and mailed to county sheriff offices and stations. A letter of introduction and a self addressed return envelope accompanied each survey. (Refer to Appendix A for the cover letter sent to both police and sheriff agencies,

Appendix B for the survey instrument to police departments, and Appendix C for the survey instrument to sheriff offices.)

Survey instruments sent to police agencies differed slightly from those sent to sheriffs. The intent was to send identical surveys to both police and sheriff and research practices along with data validity practices recommend consistency. However, it was in the best interest to re-word two questions labeled 1 and 30, to clarify and ensure response intent (See Table 2).

Data Processing. As surveys were returned, two Excel databases were created (one for police, one for sheriffs) to record the responses. Each database contained several worksheets for tabulating responses by "frequency of occurrence." Response percentages for each question were then calculated.

Both the California Municipal Police Departments and California Sheriff Offices responses used the positive answer "Yes," to Question 1 "Does your agency register narcotic offenders under Health & Safety Code 11590?" as the base calculation number in the percentage equation. As an example, 193 of the 201 responding police agencies stated they register narcotic offenders; 193 was used as

Table 2. Police/Sheriff Question Differences

Question Number	Police Question	Sheriff Question
1	Does your agency register narcotic offenders under Health & Safety Code 11590?	Does your agency register narcotic offenders under Health & Safety Code 11590 at the location this survey was sent?
30	If drug registration was a voluntary program and not mandated by law, is the information collected beneficial enough that your agency would continue to register drug registrants?	If drug registration was a voluntary program determined by your agency, is the information collected beneficial enough that your agency would continue to register drug registrants?

the equation's denominator in each primary question and each response category became the numerator. If ten police agencies responded that they conduct registration in a jail division, the equation would equal $10/193 = .0518 = 5.2\%$.

Questions containing sub-parts are the exception to this rule. The sub-part's denominator is dependent on the number of responses for the parent question's answer being "Yes," the numerator in the equation is the sub-part's response in the appropriate category. (See Appendix D for police agency survey responses to measurable questions. See Appendix E for sheriff responses to measurable questions.)

No follow-up mailing was administered. The response rate to the initial survey mailing appeared adequate to this research for analysis and reporting. Two hundred and one police departments responded of the 341 California municipal police departments surveyed at a 58.9% response rate (See Appendix F for non-respondent police agencies). The response rate of sheriff stations was 55% or 66 of the 120 surveyed (See Appendix G for sheriff survey response by county).

The following survey questions were used to support or validate other questions and/or their results, did not receive significant response results, were not measurable, or the question was not properly defined and will not be analyzed in the results.

- Question 2: Within your agency's jurisdiction, how many different locations perform drug registration?
- Question 7: How many full-time positions are devoted solely to conducting/processing drug registrations at all locations?
- Question 8: If question seven (7) does not apply, how many full-time positions primarily conduct drug, sex and arson registration at all locations?
- Question 9: What other types of duties do drug registration personnel perform (if applicable)?
- Question 10: How many part-time positions are devoted to conducting/processing drug registration?
- Question 12: What are the job classifications of the personnel conducting registration?
- Question 14: Is an interview conducted with the registrant?

CHAPTER FOUR

SURVEY RESULTS

The first question asked if the agency registered narcotic offenders under Health & Safety Code 11590. The survey provided an option to answer either in the affirmative or negative. Of the 201 California police agencies responding, 193 (96%) conduct narcotic registration. Eight agencies responded that they do not.

Four of the eight agencies that do not conduct registration, stated that it is performed by the county sheriff on their behalf. Two of the eight agencies did not provide a reason for their non-compliance. One agency in Los Angeles County explained that they do not have a written policy and have never participated in the registration program. A police chief from another county stated his agency did not conduct registration because it was "not an effective tool or resource."

There are fifty-eight counties in the state of California and one sheriff office in each county. The majority of these offices have multiple stations in order to service jurisdictions consisting of large geographic regions or large populations. As stated earlier, the

survey was mailed to 120 sheriff stations in which sixty-six stations (55%) responded. Of the sheriff offices responding, forty-nine (74.2%) perform registration of convicted narcotic offenders. The forty-nine sheriff offices represent thirty-eight (65.5%) of the California counties. Sixteen of seventeen sheriff office's stations responding in the negative to Question 1 explained that process centralization was the cause for not conducting narcotic registration. The San Francisco Sheriff's Office was the only respondent that did not have a registration program in place at any location because their jurisdictional responsibility resides with jail administration, courtroom, and public building security.

The results of the remaining survey questions are summarized into three categories: offender identification, program management, and the determination of registration importance to the agency. Though the majority of the questions relate to agency procedures, it was omitted as a category, giving way to those with more relevance to policy analysis.

Offender Identification

Survey Question 19

Does your agency take photographs of the drug registrant? If yes, how often? Is a copy mailed to DOJ?

Police Response. Health and Safety Code Section 11594 requires that the registering agency take a photograph of the narcotic registrant and forward it to the Department of Justice (DOJ). Photographs are taken by 181 (93.8%) agencies. Twelve (6.2%) agencies responded that they do not take a photograph. All agencies registering narcotic offenders responded to the question.

Of the 181 agencies taking photographs, 135 (74.6%) take a picture each time a registrant is processed. Twenty-seven (14.9%) agencies take a picture upon a change in appearance from the last time the offender registered. Fifteen (8.3%) agencies only take a picture on the registrant's first visit to the agency. Four (2.2%) did not respond.

Compliance with submitting the photograph to DOJ is as follows: of the 181 agencies taking photographs, 60 (33.1%) agencies submit the pictures by mail to DOJ. Eighty-eight (48.6%) agencies do not submit photographs to DOJ. Coupling these eighty-eight agencies with the twelve

agencies who do not take photographs at all, the rate of non-compliance with Health and Safety Code Section 11594 among police agencies is greater than 50 percent.

A high non-compliance rate is may be due to an agency's awareness of DOJ's practice of "archiving" photographs. It is standard practice at DOJ to store photographs of narcotic registrants in boxes without a system for retrieval. In addition, many agencies have been told by DOJ staff that the preference, by DOJ, is not to receive the photographs at all.

Thirty-three of the 181 (18.2%) agencies taking pictures did not respond to the last of three questions asking if a photograph was mailed to DOJ. A high non-response rate to this question could be one of several reasons. First, the format of the question itself could have led to it being overlooked. The question had a selection to mark a "Yes" or "No" response, but could have been mistaken as part of the second question.

Another reason for non-response to this question may be the respondent not knowing his or her agency's practice with these photographs and did not want to respond incorrectly. The overall survey length may have been a contributing factor--assuming the respondent was tired of

answering the questions. The respondent may also have been aware the agency does not submit the photograph, but knows the law requires it and did not want to link an identified violation to the agency.

Sheriff Response. The compliance rate among sheriff offices taking photographs of the narcotic registrants compares similarly to that of police agencies. Forty-six of the forty-nine (93.9%) stations performing registration take photographs. The percent of stations that did not take photographs is 6.1 percent.

The frequency of photographs taken by the sheriff stations varies; thirty-six (78.3%) stations take photographs each time the narcotic offender registers; three (6.5%) take photographs only on the first visit of a narcotic registrant; and three take photographs when there is a change in appearance. Four (8.7%) stations did not respond to the question.

Compliance by sheriffs' in submitting the photographs to DOJ is somewhat less than that of police agencies, thirteen (28.3%) agencies stated they send in photographs. Eighteen (39.1%) stations do not submit the photographs and fifteen stations did not respond to the question.

Survey Question 20

Does your agency take fingerprints of the drug registrant? If yes, how often? Does your agency retain a copy? Mail a copy to DOJ?

Police Response. Health and Safety Code Section 11594 mandates that an agency fingerprint narcotic offenders and forward those prints to DOJ. One hundred and seventy (88%) of the 201 responding agencies said they take fingerprints. Fourteen agencies (7.3%) did not comply with the requirement while nine (4.7%) agencies specified they take a thumbprint only.

The sub-question asking the frequency rate at which an agency takes fingerprints; seventy-five (44.1%) of the 170 agencies who took full sets of fingerprints do so the first time the offender registered with the agency; fifty-four (31.8%) agencies took them each time the registrant was processed; and three (1.8%) agencies took fingerprints annually. Thirty-eight (22.4%) agencies did not respond to the question which possibly can be attributed to the free text format of the question.

The measure of compliance of agencies' forwarding collected fingerprints to DOJ was determined by asking the agency whether the fingerprints are mailed to DOJ. One

hundred and fourteen (67.1%), of the 170 responding agencies that took full fingerprints mail the fingerprints to DOJ. Forty-two (24.7%) agencies do not mail the fingerprints and are not in compliance with the legislation and fourteen (8.2%) agencies did not respond to the sub-question.

The compliance rate among responding police agencies for mailing fingerprints to DOJ is significantly greater than that for mailing photographs; 33.1 percent for sending photographs compared to 67.1 percent for sending fingerprints. One possible explanation could be that photographs are more costly to produce; fingerprint cards are provided to agencies at no cost by DOJ.

In addition, fingerprints are considered more definitive identification than photographs. Therefore, agencies may feel it is more important for DOJ to have on file, this source of identification. Also, the agency has seen the result of fingerprint information placed on the offender's state criminal history record in the past. At the top of an offender's state criminal history record, it was noted "11590 Registrant" and listed the last address the narcotic registrant claimed as a residence. This practice is no longer performed by DOJ.

Even though compliance among responding agencies for submitting fingerprints to DOJ is significantly greater than that of photographs, there are many (24.7%) in non-compliance. Among the reasons for agencies not submitting fingerprints to DOJ, many agencies are aware of DOJ's procedure of "archiving" the fingerprints along with the photographs; fingerprint cards sent, are stored away in boxes and there is no system for retrieval. The Department of Justice would actually prefer not to receive fingerprints at all until the registrant fingerprints are automated and sent electronically.

Sheriff Response. Sheriff stations fingerprint narcotic registrants at the same rate as they photograph. Forty-six of the sixty-six responding stations collect fingerprints for 93.9 percent, equaling that of photographs. An evaluation of sheriff station responses shows that thirty-two stations (69.6%) collect fingerprints only on the registrant's first visit; six (13%) stations take the registrant's prints each time the offender registers; and eight (17.4%) stations provided no response to how often they fingerprint.

The compliance rate of sheriff stations mailing fingerprint cards to DOJ is lower than that of police

departments. Twenty-six stations responded that they mail fingerprints to DOJ, a 56.5 percent compliance rate as opposed to 67.1 percent compliance rate by police agencies. Seventeen (37%) stations responded that they do not mail the fingerprint cards to DOJ and three (6.5%) stations did not respond..

Program Management

Survey Question 4

How many days per week does your agency register drug offenders?

Police Response. All but one police agency responded to this question. A plurality of responding agencies (86 of 200 or 44.6%) conduct registration five days a week. The schedule for registration was not asked, but many added that they conduct registration Monday through Friday. One agency listed a schedule of Tuesday through Saturday. Twelve agencies responded to how many days they register offenders with remarks: "as needed," "by appointment," "varies," "N/A," or responded with the number of registrants they receive in one week or in one month. These twelve responses were included with the responses of registration availability five days a week.

Forty agencies (20.7%) register convicted narcotic offenders seven days a week, many operating 24 hours a day. Twenty-seven (14%) agencies register offenders only one day a week. Eighteen agencies register offenders four days a week; twelve agencies do so two days a week; eight agencies register three days a week; and one agency is available six days a week for registration.

An agency's level of commitment to the narcotic offender registrant program can be measured by the number of days it conducts registration. Dedicated days for registering, requires an agency to commit personnel. Agencies that register four or less days per week attempt to comply with the law while minimizing interruptions on other department functions.

An agency's availability (days, and/or hours) for registration affects a registrant's ability to comply with the law. One typical requirement of parole is that the person secures employment. Agencies that operate during normal business hours (Mon.-Fri.; 8-5) make it difficult for a registrant; forcing them to take time off when they have just started a new job.

Sheriff Response. Two (4.1%) of the forty-nine sheriff stations registering stations did not respond to

the number of days per week that narcotic registration is performed. Seven stations perform registration one day a week and seven stations two days a week; each group accounting for 14.3 percent of respondents. Two stations register offenders three days a week and one station is available four days a week. As with police agencies, a large number of sheriff stations (46.9%) provided five-day a week registration of narcotic offenders. Six (12.2%) stations accommodated a seven-day a week registration.

One sheriff station responded that they register offenders only one day a month. The jurisdictional population for this entire sheriff's office is approximately 1,200 people. This leads me to conclude that the station would probably be available for registration more often than once a month; but the demand is low due to few registrants in the jurisdiction.

Survey Question 5

Approximately how many drug offenders does your agency register at all locations per day? Per week?

Police Response. The number of narcotic registrants an agency registers per week is an important determinant to the amount of resources an agency must devote to the program. Agencies were asked to approximate the number of

registrants they averaged per day or week. The response format to this question was open to the responding agency's discretion.

Though the question specified "per day" or "per week," many agencies responded with the number of registrants processed per month or per year. Each monthly or yearly response was calculated into a "per week" response equivalent.

Twenty agencies provided monthly registration rates which were calculated as follows: sixteen register less than one registrant per week, three register between one and three registrants per week, and one agency registered four to eight narcotic offender registrants per week.

Sixteen agencies provided yearly registration rates which, when converted to a "per week" registration rate, showed each agency registering less than one offender per week. All sixteen agencies were included in the less than one registrant per week response.

The compilation of all responses to Question 5 are as follows: fifteen agencies (7.8%) were non-responsive (no response to the question, provided a response of "zero," provided a non-measurable response, or responded with "varies"); forty-one (21.2%) agencies register less than

one narcotic registrant per week; fifty-six (29%) processed between 1 and 3 registrants per week; forty-seven (24.4%) processed between 4 and 8 per week; sixteen (8.3%) processed between 9 and 15 per week; twelve (6.2%) processed between 16 and 30; four processed between 31 and 65; and two processed between 66 and 200 registrants per week.

Sheriff Response. Six (12.2%) stations did not respond to the question, responded with "varies," or registered less than 1 offender per week. Fourteen (28.6%) stations stated they processed between 1 and 3 registrants per week, ten (20.4%) processed between 4 and 8 per week, fifteen (30.6%) processed between 9 and 20 per week, 21 to 35 registrants were processed by two stations, and two stations register between 36 and 125 registrants per week.

Survey Question 6

By what schedule are registrations performed? The question's intent was to determine program and resource management. As in those cases of agencies limiting days of registration, conducting registrations by appointment is an effort by agencies to manage the program, interruptions to other duties, and ensure that they have the resources available to perform registration.

Police Response. Agencies were asked to circle either "walk-in" or "appointment" to explain how the agency conducts registration. The offender was allowed to show up at anytime during designated days and hours of registration at 104 (53.9%) agencies. Sixty-six (34.2%) agencies scheduled appointments for the offender to register. Twenty (10.4%) accommodated both methods and three (1.6%) agencies did not respond.

In regards to agencies that schedule appointments; the scheduling takes time above the actual registration time, is a work interruption, and agency efforts to manage the program can become burdensome depending on registrant volume. One agency stated they typically schedule ten narcotic registration appointments per week, but three as an average keep their appointment.

Sheriff Response. Question 6, of the survey sent to sheriff stations also allowed respondents the option of selecting "walk-in" or "appointment" as explanations for how each registration is conducted. Only one station did not respond to this question. The "walk-in" method of registration allows the offender to fulfill his or her registration obligation at anytime during an agency's designated days and hours for registration. This method of

registration is used by thirty-three (67.3%) of the responding stations. Twelve (24.5%) stations schedule appointments with the offender to register. Three (6.1%) stations accommodate both methods.

Survey Question 11

On average, how many hours per week do all personnel spend performing drug registration related duties?

Police Response. Question 11 focused on resources utilized by the registration process. Even though the question requested "hours per week" for a response, many agencies replied with "hours per month" or "hours per year." Fourteen agencies spent a maximum of four hours per month registering narcotic offenders. Nine agencies spent a maximum of fifteen hours per year registering narcotic offenders. These "yearly" and "monthly" converted into a "less than one hour per week" response.

The average number of weekly hours spent registering narcotic offenders by each agency were tabulated as "frequencies of occurrences." This method allowed for unique ranges of time to be easily developed without there being any overlap. A response of "no," "varies," or "zero" was provided by fifteen (7.8%) agencies. Thirty-eight

(19.7%) agencies stated that on average, less than one hour per week was spent registering offenders.

Sixty-five (33.7%) police departments fit into a "1 to 3 average hours per week" category for registering narcotic offenders. Thirty-nine (20.2%) fit into a "4 to 9 average hours per week" category. Eighteen (9.3%) agencies fit into a "10 to 15 average hours per week" for registering narcotic registrants. Twelve (6.2%) fit into "16 to 36 average hours per week;" four (2.1%) spent "37 to 55 average hours;" and two police departments averaged "56 to 120 hours per week" category for registering narcotic offenders.

Even though police departments typically receive the largest percentage of a municipality's budget, they are still faced with limited resources. It becomes a hardship to every agency, whether an agency commits one-half of one full-time position or three full-time positions to this state-mandated narcotic registration program if the collected information is not put to use.

Sheriff Response. A response of "no," "varies," or "zero" was provided by three (6.1%) stations. Four (8.2%) agencies stated that on average, less than one hour per week was spent registering offenders. Seventeen (34.7%)

stations fit into a "1 to 3 average hours per week" category for registering narcotic offenders. Eleven (22.4%) stations fit into a "4 to 8 average hours per week" category. Nine (18.4%) stations fit into a "9 to 20 average hours per week" for registering narcotic registrants. One (2%) station fits into "21 to 25 average hours per week;" two (4.1%) stations spent "26 to 50 average hours;" and two stations fit into 51 to 125 average hours per week" category for registering narcotic offenders.

Survey Question 15

What type of paperwork does your agency complete for a drug registrant?

Health and Safety Code Section 11594 mandates agencies to collect "a written and signed statement of information as may be required by DOJ." Available to law enforcement are two forms provided by DOJ for the registration process. The primary information collection document titled "Registration Change of Address / Annual Update," has a form control number of SS 8102 (See Appendix H). In addition to collecting information, this form provides an explanation of the registration requirements. Form SS 8102 is used for all California registration programs which

include sex, arson, and narcotic. The second DOJ form is "Registration Receipt" with the form control number of SS 8072 (See Appendix I). This document collects minimal information such as the offender's name, date of birth, address, and thumbprint. In addition, it collects the date of registration and the name of the person who conducted the registration. Agencies can supplement these documents with a customized data collection instrument for internal use.

The pre-formatted response to Question 15 allowed agencies any or all of three options: 1) Custom Form, 2) DOJ's SS 8102, and/or 3) DOJ's Registration Receipt SS 8072.

Police Response. Two agencies did not respond to Question 15. Twenty-four (12.5%) agencies only use a single form for registrations. Four of these twenty-four agencies use a customized form, three use DOJ form SS 8102 (Registration Change of Address / Annual Update), and seventeen utilize DOJ form SS 8072 (Registration Receipt).

The majority of responding agencies use a combination of forms to register narcotic offenders. One agency combines a customized form with the DOJ form SS 8102 to collect information. Nineteen agencies use a custom form

in conjunction to DOJ form SS 8072. One hundred and three (53.4%) agencies use both of DOJ's registration forms. Forty-four (22.8%) agencies utilize both of DOJ's registration forms in addition to an agency customized form.

Diversity in registration documentation displays agency discretion towards program management. Taking advantage of a customized form, an agency can determine which information would be most beneficial to collect. Should an agency deem the narcotic registration program as insignificant, it can choose to make use of DOJ form SS 8072 which is quick to complete and collects minimal information.

Sheriff Response. Every responding sheriff station uses a combination of registration forms. Three (6.1%) stations collect information with a custom form and DOJ's SS 8072 (Registration Receipt). Twenty-seven (55.1%) stations use both of DOJ's registration forms SS 8102 (Registration Change of Address / Annual Update) and SS 8072 (Registration Receipt). Sixteen (32.7%) stations use a custom form and both of DOJ's registration forms. Three (6.1%) stations did not respond.

Survey Question 16

Who fills out the form? (Forms outlined in Question 15).

Police Response. Response choices to the question were: 1) Department personnel and/or 2) Registrant. Four (2.1%) agencies did not respond to the question. It is the responsibility of department personnel at 78.8% (152) of the responding agencies to complete the registration forms. Eighteen (9.3%) agencies require the narcotic registrant to complete the forms while nineteen agencies have department personnel and the registrant complete different segments of the documents.

Sheriff Response. Two (4.1%) stations did not respond to Question 16. At twenty-eight (57.1%) of the 66 responding sheriff stations, it is the responsibility of department personnel to complete the registration forms. Nine (18.4%) responding stations required the narcotic registrant to complete the paperwork while ten stations have department personnel and the registrant jointly complete the documents.

Permitting a registrant to independently complete registration paperwork allows resources to be allocated elsewhere. However, there are issues related to this

practice. The possible downfalls are the same as with the police agencies: 1) inaccurate information (the registrant may be more apt to lie when completing the form on his or her own versus being more truthful when questioned by law enforcement), 2) legibility (the registrant's handwriting may be sloppy), 3) illiteracy (a situation that would embarrass the registrant and require agency personnel to step in), and 4) non-responsive information (registrant inadvertently or deliberately misunderstood the question).

Survey Question 17

If the Department of Justice's Registration Receipt is utilized, what is done with the receipt? (Expanding on Question 15). The question allowed for two responses: 1) Mailed to registrant and 2) Given to registrant prior to leaving the department.

Police Response. Three agencies did not respond to the question and the question was not applicable to eight agencies because they do not use DOJ form SS 8072, the registration receipt. Seventy-six (39.4%) agencies give the registrant a temporary receipt before leaving the department then mail a permanent receipt to the registrant, fifty-nine (31.9%) agencies give the permanent receipt to the registrant prior to leaving the department, and forty-

seven (25.4%) agencies mail the permanent receipt to the registrant.

Sheriff Response. All responding sheriff stations that conduct registration responded to the question and all stations include DOJ form SS 8072 (Registration Receipt) as part of their documentation. Twenty-seven (55.1%) stations give the registrant a temporary receipt before leaving the department then mail a permanent receipt to the registrant's address, twelve (24.5%) give the permanent receipt to the registrant prior to leaving the department, and ten (20.4%) mail the permanent receipt to the registrant.

Those police departments and sheriff stations that mail receipts, expend the financial cost of postage and additional personnel resources for duplicating a copy of the receipt. Duplication methods vary from a carbon sheet placed between two receipts, to a photocopy being made of the original, to the separate completion of a second receipt. In addition to effecting a second receipt, an envelope for mailing the receipt must be prepared since the receipt is not easily adapted to window envelopes.

Survey Questions 25

Does your agency purge drug registration information? If yes, is the file along with any corresponding database purged? How many years after their last registration date is the information purged?

Police Response. Eight (4.1%) agencies did not respond to the Question 25. Sixty (31.1%) agencies have a purge process for written documents while 125 (64.8%) agencies retain their records.

Of the sixty agencies that purge registration documents, forty (66.7%) destroy both the documentation along with the database entry. Ten agencies that purge written documentation do not purge the database, and seven agencies did not create database records. Three of the sixty agencies that purge documentation did not respond to the question of whether the file and database are both purged.

There was a varied response to the third part of Question 25 which addressed retention schedules associated to registration documents. Eleven (18.3%) stations, of the sixty that purge, did not respond to this sub-part. Six agencies purge anytime within 4 years from the end of registration mandates, twenty-eight (46.7%) agencies purge

5 years after the end of registration, twelve stations purge 6 to 10 years after registration, one agency within twenty years from the registrant's last date registered, one agency when the registrant moves out of the jurisdiction and one agency stated registration documents are purged upon the death of the narcotic offender.

Sheriff Response. One station did not respond to Question 25. Eighteen (36.7%) stations purge narcotic information while thirty (61.2%) stations retain their records.

Of the eighteen stations that purge, fourteen (77.8%) destroy the written documentation along with the corresponding database entry. One station that purges written documentation does not purge the database, two stations did not create database records and one station did not respond to the question.

The response to the third part of Question 25 which addressed retention schedules associated to registration documents is as follows: four (22.2%) stations of the eighteen that purge registration information did not respond to this sub-part, two stations purge anytime within 4 years after the end of registration requirements, six (33.3%) stations purge 5 years after the end of

registration, three stations purge 6 to 10 years after registration requirements, one station within thirty years, and two stations purge upon termination of registration requirements.

Registration Importance

Survey Questions 3 and 13

Question 3: What division of your agency performs the registration?

Question 13: Which category do drug registration personnel correspond to? This question allowed for two responses: 1) Sworn and 2) Civilian.

While these two questions seem unrelated, typically staffing within certain divisions is exclusively sworn or civilian. A correlation was made between these two questions for an enhanced depiction of the division that conducts registration.

Police Response. The results discussed here are based upon responses to Question 13 only regardless of the division they work in. Civilian personnel are exclusively used for registering narcotic offenders in 112 (58%) of the responding agencies. Sixty-four (33.2%) agencies stated that sworn personnel conduct the registration. Seventeen

(8.8%) agencies use a combination of sworn and civilian personnel.

Divisions responsible for the registration process vary greatly in name among police agencies. Responses to Question 9, a supportive question, were used to develop division classifications; classifications based on the types of duties listed by each agency. Those duties were aggregated into seven classifications: 1) Records, Support, Services, Dispatch, or Identification (ID); 2) Patrol, Investigation, Records, or Community Service Officer (CSO); 3) Field Operation, Patrol, or Support Services; 4) Detectives or Investigations; 5) Property or Evidence; 6) Jail; and 7) Crime Analysis.

The classification "Records, Support, Services, Dispatch, or ID" consists of divisions in which only civilian personnel perform the registration. The "Patrol, Investigation, Records, or CSO" includes divisions in which both sworn and civilian personnel jointly perform the registration. This classification also includes those divisions thought of as sworn or civilian but where members of the opposite group conduct the registration. An example of this occurrence would be when the responsible division is Records but police officers conduct the registration.

The third "Field Operation, Patrol, or Support Services" and fourth "Detective or Investigation" classifications consist of sworn personnel only. "Property or Evidence," "Jail," and "Crime Analysis" classifications are other civilian divisions utilized for registrations by a few agencies.

Question 3, (What division of your agency performs the registration?) had a one hundred percent response rate. Seventy-three (37.8%) agencies allocate registration responsibility to those divisions primarily staffed with civilian personnel in the "Records, Support, Services, Dispatch, or the ID" classification. The quantity of registrants processed by these divisions ranged from less than one registrant per week up to 200 registrants per week.

The next division classification responsible for performing registration is "Patrol, Investigation, Records, or CSO." Forty-nine (25.4) of responding agencies fit this classification. No agency within this group registers more than 25 registrants per week. Agencies with sworn and civilian staff sharing the duties best suited for each skill level is an optimal use of resources when coordinated properly.

Fifty-four agencies conduct registration with sworn personnel in the "Field Operation, Patrol, Support, or Services" and the "Detective or Investigation" classifications. Agencies that use these two classifications for narcotic offender registrations jointly accounted for 28 percent of the responses. Thirty-nine of the 54 sworn divisions registered one, or less than one, registrant per week; nine registered from 2 to 5 registrants per week, five sworn divisions registered from 6 to 10 per week, and only one registered more than 26 per week.

Seventeen (8.9%) agencies register narcotic offenders with their "Property or Evidence", "Jail," and "Crime Analysis" divisions. These three division classifications processed anywhere from 2 to 25 registrants each week.

The division to which an agency assigns the registration responsibilities reflects the degree of importance that agency places on the program. The "Records, Support, Services, Dispatch or ID" division classification in many agencies, often serve as a "dumping ground" for what are considered to be the less significant functions of the department. However, they are in fact, the backbone to record management in every agency. Record

management related divisions should maintain registration documents and databases, but the personnel are typically not trained to handle registrants who are uncooperative or who are under the influence of a narcotic when registering. This lack of training places civilian personnel at increased risk in these situations.

The use of sworn divisions such as "Patrol or Investigation" to conduct registrations may be viewed by many as a waste of resources for the purpose of information collection. In my opinion, however, this reflects how important the information is to an agency making this choice. Officers and investigators are the ones who need to know offenders on a personal level to be able to identify them in the community. Sworn are trained to conduct interviews and to handle those who are uncooperative or under the influence.

The civilian divisions of "Property or Evidence," "Jail," and "Crime Analysis" were singled out for their importance to the registration process or the lack thereof. The functions and duties of "Property or Evidence" are not remotely related to registration. The primary function of the "Property or Evidence" division is to maintain crime scene evidence, the chain of custody, and the release or

Civilian personnel were exclusively used in thirty-six stations which equates to 73.5 percent of the respondents; as compared to 58 percent of responding police agencies using civilian personnel. Seven (14.3%) stations responded that sworn personnel conduct registration. One station used a combination of sworn and civilian personnel and five stations did not respond to the question.

Responses relative to which division performs narcotic registration were not as varied as responding police agencies. As a result, only four division classifications were developed: 1) Records, Clerical, Identification/Forensics, Licensing, or Dispatch; 2) Patrol, Crime Prevention, Evidence, or Community Service Officers; 3) Investigations or Community Service Officers; and 4) Jail, Custody, or Corrections.

The classifications for sheriff stations did not take into account whether sworn or civilian staff conducted the registrations since a negligible number of sworn performed the registration. Within the "Records, etc." classification only two stations had sworn personnel conduct or assist with the narcotic registration.

As in the case of police department responses, there was a one hundred percent response rate to Question 3.

Thirty-seven (75.5%) stations allocate registration responsibility to those divisions primarily staffed with civilian personnel in the "Records, Clerical, ID/Forensics, Licensing, or Dispatch" classification as compared to 37.8 percent in police agencies.

Five (10.2%) stations allocated the registration responsibility to the "Patrol, Crime Prevention, Evidence, or Community Service Officers" classification.

"Investigations or Community Service Officers" had three (6.1%) stations in this classification, and four (8.2%) stations conducted registration from the "Jail, Custody, or Corrections" classification.

Survey Question 18

How is a drug registrant's address verified?

This is a significant question given that the intent and purpose of the legislation is to give law enforcement the ability to track offenders. There is little use for incorrect address information given by the registrant.

To avoid influencing responses to this question, the response format for this question allowed for agency discretion.

Police Response. Four (2.1%) agencies did not respond to the question. Twenty-two agencies (11.4%) responded

that they do not verify the address given by the narcotic registrant. Fifty-six (29%) of the agencies used one or more of the following methods to verify a narcotic registrant's address; local criminal history information, California Department of Motor Vehicle (DMV) computerized information, DMV physical driver's license or identification card, and DOJ's SS 8048 form (Notice of Narcotic Offender Registration Requirement, See Appendix J).

After narcotic offenders register with their local police agency, they receive a receipt as proof of registration (DOJ's SS 8072). As a verification process, sixty-nine (35.8%) agencies mail the receipt to the address given during registration. If the receipt is not returned to the agency, the agency assumes that the address is valid and the offender lives at the address.

Twenty-four (12.4%) agencies choose to telephone the registrant or make a home visit to verify their location. Seventeen (8.8%) require the narcotic registrant to bring in a current mail item or a utility bill as proof of residency. Proof of residency through a utilities or rental agreement is a recent legislative mandate upon sex

offender registrants. One agency relies upon the Parole or Probation department to verify residency.

Sheriff Response. Two (4.1%) stations did not respond to the question. Six (12.2%) stations responded that they do not verify the address given by the narcotic registrant. Fourteen (28.6%) stations use one or more of the following methods to verify the narcotic registrant's address: local criminal history information, California Department of Motor Vehicle (DMV) computerized information, DMV driver's license or identification cards, and DOJ's SS 8048 form.

After a narcotic offender registers with the local police agency, he or she receives a receipt as proof of registration. Twenty-one (42.9%) stations mail the receipt to the address the registrant provided as verification that he or she lives there. If the receipt is not returned, the assumption is that the address is valid and the offender lives at the address. One station telephones the registrant or makes a home visit to verify their location and five (10.2%) require the narcotic registrant to bring in a current mail item or a utility bill as proof of residency.

Survey Question 21

What is the average time your agency spends registering a drug offender?

The amount of time an agency devotes to collecting narcotic registration information can signify the level of importance of this program to the agency. It was anticipated responses would include the time it takes to complete all applicable processes by the agency such as scheduling appointments, completing documentation, fingerprints, photographs, database entries, mailing a receipt, and providing the information to patrol if done as part of the registration process. The response format was left to an agency's discretion.

Police Response. Three police agencies either did not respond to the question or provided a response of "varies." There was an extreme divergence in the amount of time it took two agencies to process one narcotic registrant from 240 minutes, or four hours, at the top end to a miniscule two minutes at the bottom end. Twelve (6.2%) agencies spent between 3 and 15 minutes per registrant, twenty-three (11.9%) spent between 16 and 25 minutes, sixty-one (31.6%) between 26 and 44 minutes, seventy-seven (39.9%) between 45

and 60 minutes, and fifteen (7.8%) agencies spent between 61 and 180 minutes to register one narcotic offender.

Sheriff Response. Two sheriff stations did not respond to the question regarding the average amount of time spent registering one narcotic offender. Six (12.2%) stations spent between 1 and 15 minutes per registrant, eleven (22.4%) spent from 16 to 25 minutes, twenty (40.8%) from 26 to 45 minutes, nine (18.4%) from 46 to 60 minutes, and one (2%) station spent from 61 to 120 minutes to register one narcotic offender.

Survey Question 22

Does your agency actively pursue those in violation of drug registration requirements? The response options to this question were formatted as "Yes" and "No."

Police Response. Three (1.6%) agencies did not respond to the question. Seventy-three (37.8%) agencies stated that they do pursue those who fail to register while 117 (60.6%) agencies responded that they do not pursue those in violation of registration requirements.

Sheriff Response. All forty-nine stations that register narcotic offenders responded to the question. Sheriff stations reported a lower instance of actively pursuing offenders in violation of registration

requirements than that of police agencies. Twelve (24.5%) stations responded that they pursue those who fail to register. Thirty-seven (75.5%) stations responded that they do not pursue those in violation of registration requirements.

Survey Question 23

Does your agency have a special narcotic detail unit? If yes, does your narcotic unit utilize the drug registration information collected? The primary question and its sub-part's response options were both formatted as "Yes" and "No."

Operating within many law enforcement agencies are narcotic detail units whose primary goals and objectives are to concentrate on jurisdictional narcotic issues. These units are specially trained in the identification of illicit and clandestine narcotic operations. It would be reasonable to assume that narcotic registrant information would be beneficial information to the unit.

Police Response. Of the 193 agencies registering narcotic offenders, 105 (54.4%) have a specialized narcotic detail unit. Eighty-seven (45.1%) agencies do not have a narcotic detail unit and one agency did not respond to the question.

For the 105 agencies that have narcotic detail units, a sub-part asked if the unit puts to use the narcotic registration information. Eighty-one (77.1%) narcotic units make use of the narcotic registration information while nineteen (18.1%) units do not. Five of the 105 agencies with narcotic detail units did not respond.

Sheriff Response. Individual stations within the jurisdiction of a county sheriff varied in their response to Question 23. For this reason, I took into consideration only one response per jurisdiction representing thirty-nine counties. Thirty-seven of the thirty-nine sheriff office's, or 94.9% have a special narcotic detail units while two (5.1%) sheriff offices responded that they do not have a narcotic detail unit.

Of the thirty-seven offices with narcotic units, a sub-part asked if the unit puts to use the narcotic registration information. The information is used by twenty-one (56.8%) narcotic units which is significantly lower than the 77.1 percent among police agencies. Fifteen (40.5%) units do not use the information and one office did not respond to the question.

Survey Question 24

Does your agency enter drug registrant information into a local criminal database? If yes, is the information shared with other agencies on a regular basis? Both questions provided a "Yes" or "No" response option.

Police Response. One agency did not respond to the question. Database entries are completed by 144 (74.6%) agencies while forty-eight (24.9%) agencies do not enter the information into a database.

The sub-part of Question 24 asked, of those entering into a local database, if the information was shared with other agencies on a regular basis? Three agencies did not respond. Sixty-three (43.8%) of responding agencies share the information with other agencies. Seventy-eight (54.2%) agencies do not share the information. It was not asked to what extent the information is shared, with neighboring jurisdictions, for example, or whether the agency's Record Management System (RMS) allowed for data sharing.

Sheriff Response. All sheriff stations responded to the question. Database entries are completed by thirty-nine (79.6%) stations. Ten (20.4%) stations do not enter the information into a database. Of those entering into a local database, twenty-six (66.7%) stations responded

"yes," meaning the information is shared with other agencies on a regular basis. Eleven (28.2%) do not share the information. Two (5.1%) stations did not respond to the question.

Survey Question 26

Does your agency have a Crime Analysis Unit? If yes, does the unit utilize the drug registration information to track the registrants? Both provided "Yes" and "No" response options.

A Crime Analysis division can be a beneficial resource to the narcotic registration program as the division typically is equipped to conduct spatial, crime, investigative, and administrative analysis.

Police Response. One agency did not respond to the question. One hundred and nineteen (61.7%) agencies responded that they do not have a Crime Analysis division. There are seventy-three (37.8%) responding agencies that have a Crime Analysis division of which twenty-nine (39.7%) utilize collected information to track narcotic registrants. Forty-one (56.2%) agencies did not utilize narcotic registration information in the Crime Analysis division and three did not respond to the second half of the question.

Sheriff Response. Two (4.1%) stations did not respond to the question. Seventeen (34.7%) stations responded that they do not have a Crime Analysis division while thirty (61.2%) stations responded they have a Crime Analysis division. Of those thirty stations, ten (33.3%) utilize the collected information to track narcotic registrants. Fourteen (46.7%) stations do not utilize narcotic registration information in the Crime Analysis division and six (20%) stations did not respond to the second half of the question.

Survey Question 27

Does your agency have the ability to search in your local criminal history database for specific offenses? The survey was formatted with the option of a "Yes" or "No" response.

Police Response. Two of the responding agencies did not answer the question while three agencies did not know if their system had the capability to search for specific offenses. One hundred and fifty-five (80.3%) agencies can use specific offenses as database search criteria. Thirty-three (17.1%) agencies stated that they can not search specific charges. Of those thirty-three agencies without

advanced search capability, eleven of those agencies do not enter narcotic registration information into a database.

Sheriff Response. Two of the forty-nine stations that perform registration did not respond to Question 27.

Specific offenses could be searched by thirty-five (71.4%) stations. Twelve (24.5%) stations stated that they can not search specific charges.

Survey Question 28

Is drug registrant information provided to officers in the field on a regular basis? If yes, how is the information provided (i.e. maps, names and addresses, bulletins)?

Police Response. Three agencies either did not answer the question or responded with the answer of "unknown." Ninety-three (48.2%) agencies stated that narcotic registration information is provided to the officers in the field on a regular basis. Ninety-seven (50.3%) agencies do not provide the information and make no attempt to track or monitor those with a previous history of narcotic offenses.

It was then asked of the agencies that responded "Yes" to the first part of Question 28, how the information is provided. This format of the response to the sub-part allowed for agency discretion, but it did provide examples

of expected responses such as if the information was provided as maps, through mobile dispatch computers (MDCs), or through logs or bulletins. There was a high non-response rate to this sub-part, nineteen (20.2%) agencies did not respond.

Logs or bulletins (distributed or posted) was the most common method used to inform officers in the field about narcotic registrants. Forty-one (43.6%) agencies use these methods. Twenty (21.5%) agencies provide registration information at the officer's request or upon a local record check via radio. The least used methods of providing narcotic registration information to officers are through e-mail, roll call or briefing announcements.

Sheriff Response. All stations responded to the first half of the question. Twenty-two (44.9%) stations stated that narcotic registration information is provided to the deputies in the field on a regular basis. Twenty-four (55.1%) stations do not provide the information on a regular basis.

It was then asked in a sub-part question of those that responded "Yes" to providing those in the field with narcotic registration information, how the information is provided. Of the sixteen stations that stated they provide

narcotic registration information to the deputies in the field, two did not respond to the sub-part of the primary question.

Logs or bulletins containing narcotic registration information, either distributed or posted was utilized by four (18.2%) stations. Five (22.7%) stations stated the information is provided via radio from dispatch and information is provided when the deputy initiates the request at five (22.7%) stations. Lastly, the sheriff stations use e-mail or computer databases through mobile dispatch computers in six (27.3%) stations.

Survey Question 29

Would DOJ expanding the Violent Crime Information Network (VCIN) system to accept drug registrant information benefit your agency (as currently designed for sex and arson registration)? The response format provided a "Yes" or "No" option.

Police Response. One hundred and forty-two (73.6%) agencies responded that DOJ expanding VCIN to accept narcotic registration information would benefit their agency. Forty-six (23.8%) agencies responded that DOJ expanding VCIN to accept narcotic registration information would not benefit their agency.

Sheriff Response. In the sheriff response to whether DOJ expanding VCIN to accept narcotic registration information would benefit their agency, only one response per entire jurisdiction was taken into consideration. The reason, the question pertains to policy and should be implemented uniformly among all stations within a sheriff's jurisdiction. San Bernardino County Sheriff's Office had ten stations respond and Riverside County Sheriff's Office had three stations respond which could sway a response.

Twenty-eight (73.7%) offices responded that DOJ expanding VCIN to accept narcotic registration information would benefit their agency. Nine (23.7) offices responded that DOJ expanding VCIN to accept narcotic registration information would not benefit their agency and one office did not respond to the question.

Survey Question 30

A hypothetical scenario was used in the creation of Question 30 to determine the value of narcotic registration information to an agency. The question asked, "If drug registration was a voluntary program and not mandated by law, is the information collected beneficial enough that your agency would continue to register drug registrants?"

The response to the question was preformatted with "Yes" and "No" response options.

Police Response. Ten (5.2%) agencies did not respond to the question. One hundred and twenty-four (64.2%) agencies responded in the affirmative meaning that they would continue to register narcotic registrants for the information. Fifty-nine (30.6%) agencies responded "No," indicating they would discontinue registration if not mandated by law.

Several agencies provided commentary to this question. One agency commented, "A voluntary program would mean lets not bother with it anymore." Another commented, "If voluntary, it would not happen." Yet another stated "We would obtain information from Probation or Parole."

Sheriff Response. Only one response per entire jurisdiction was evaluated. The question asked is, again, one of policy and therefore, should be implemented uniformly among all stations.

One office did not respond to the question. Twenty-three (60.5%) offices responded that they would continue to register narcotic registrants for the information. Fourteen (36.8%) offices responded "No" which indicates

they would discontinue registration if it were not mandated by law.

CHAPTER FIVE

DISCUSSION

Survey Analysis

Seven survey questions with significance to evaluate narcotic registration's intent, importance, and effectiveness were chosen for analysis. The relevant questions are in regards to address verification, pursuit of violators, local database entry, database search capability, distribution of information, Violent Crime Information Network for narcotic registrants, and narcotic registration value to the agency.

Address Verification

Question 18 of the survey instrument asked: How is a drug registrant's address verified? The ability to track narcotic offenders is a primary purpose of the narcotic registration program. Incorrect address information given by a registrant would serve little value to law enforcement if the agency is serious about tracking this class of offenders.

Twenty-two of 193 police departments (11.4%) and 6 of 49 (12.2%) sheriff stations stated that they do not verify the address given by the narcotic registrant.

Fifty-six (29%) police departments and fourteen (28.6%) sheriff stations use one or more of the following methods to verify the narcotic registrant's address; local criminal history information, California Department of Motor Vehicle (DMV) computerized information, DMV driver's license or identification cards, and DOJ's SS 8048 form (Notice of Narcotic Offender Registration Requirement). These methods of address verification, in my opinion, are not valid or acceptable. Over 40 percent of the responding police departments and sheriff stations do not verify a narcotic registrant's address or do not verify with a credible information base.

Offenders are not known for telling the truth whether it's their name, date of birth, address, or the crime they did "not" commit. An agency's local criminal history records contain information provided by the offender--right or wrong. Upon arrest or contact, address information from the offender typically is not verified by the officer unless the location of the crime and the offender's address is one in the same. Local criminal history information would not be considered valid address verification for the most part.

Narcotic offenders tend to have unstable lives filled with frequent address changes. Department of Motor Vehicle computerized information or license or identification cards usually do not contain current information. Even non-criminal persons often delay updating personal information until involved in a process contingent upon that information being correct.

Agencies receive DOJ's SS 8048 form from the California Department of Corrections (CDC) and jails to notify that a narcotic offender is being released into their jurisdiction. This notification includes the address where the offender intends to live. The address used on the notification form is supplied by the offender.

After a narcotic offender registers with their local law enforcement agency, he or she receives a receipt as proof of registration (DOJ SS 8072). As an address verification, sixty-nine (35.8%) police departments mail the receipt to the address given at the time of registration and twenty-one (42.9%) sheriff stations do the same to verify that he or she lives there. If the receipt is not returned to the agency, the agency assumes that the address is valid and the offender lives at the address.

Twenty-four (12.4%) police departments and one (2%) sheriff station telephones the registrant or makes a home visit to verify their location. Seventeen (8.8%) police departments and five (10.2%) sheriff stations require the narcotic registrant to bring in a current mail item or a utility bill as proof of residency. Proof of residency through a utilities or rental agreement is a recent legislative mandate upon sex offender registrants.

There is no non-labor intensive means to know when a registrant has moved, so law enforcement often relies upon the registrant's honesty. Once a narcotic offender has completed his or her parole or probation requirements (if applicable) no further monitoring of the offender typically takes place. There is no yearly registration requirement for narcotic offenders to update registration requirements with law enforcement.

Pursuit of Violators

Question 22 of the survey instrument asked: Does your agency actively pursue those in violation of drug registration requirements?

Seventy-three (37.8%) police departments and twelve (24.5%) sheriff stations stated that they pursue those who fail to register--assuming they have knowledge that the

narcotic registrant is not living at the location where he or she last registered. It was not asked in the survey instrument whether or not the law enforcement agency regularly checks to verify if the registrant is still at the address. One hundred and seventeen (60.6%) police departments and thirty-seven (75.5%) sheriff stations do not pursue those in violation of registration requirements.

The result from this survey question implies that the pursuit of narcotic registrants, not in compliance with registration requirements, is not a priority among law enforcement agencies. During an interview with Chief Shipley of Willows Police Department, he stated the law has "no teeth." The district attorney will not prosecute for a failure to register for narcotics.

During my eleven years of law enforcement experience, I have witnessed parole and probation departments in one county give the offender every opportunity to register prior to violating them on "a condition of their parole or probation," not on a violation of narcotic registration law (Health and Safety Code Section 11590) which is a misdemeanor offense.

Local Database Entry

Question 24 of the survey asked: Does your agency enter drug registrant information into a local criminal database? If yes, is the information shared with other agencies on a regular basis?

Database entries are completed by 144 (74.6%) police departments and thirty-nine (79.6%) sheriff stations. Forty-eight (24.9%) police departments and ten (20.4%) sheriff stations do not enter the information into a database. Information entered into a database assumes the information is of benefit to an end user for an agency to expend the resources to the process.

The sub-part of Question 24 asked, of those entering into a local database, if the information was shared with other agencies on a regular basis? Sixty-three (43.8%) of the responding police departments and twenty-six (66.7%) sheriff stations share the information with other agencies. Seventy-eight (54.2%) police departments and eleven (28.2%) stations do not share the information.

Though a high instance of police departments enter narcotic registrant information into a database are reported, the response to the information being shared with other agencies is low. People are not static in one

jurisdiction; they are highly mobile. A local database of narcotic information is of little use if the registrant spends the majority of his or her time outside of the jurisdiction where registered. This is where entry into a statewide accessible database would be useful.

Database Search Capability

Question 27 of the survey asked: Does your agency have the ability to search in your local criminal history database for specific offenses?

Narcotic registration requirements were put into effect prior to the wide spread usage of desktop computer workstations in law enforcement. Over time, many agencies have acquired advanced (open architectural) Record Management Systems with a relational database design. Relational databases allows for powerful data queries.

One hundred and fifty-five (80.3%) police departments and thirty-five (71.4%) sheriff stations can search specific offenses in their local criminal database. Thirty-three (17.1%) police departments and twelve (24.5%) of sheriff stations stated that they can not search specific charges.

The significance of this question was to show that with technology it is no longer necessary to maintain a

registration program if entry into a statewide database does not occur. Narcotic users can easily be identified through agency contacts. Authorized personnel can quickly search for specific narcotic violations that are a priority to the agency then associate those crime types to a list of names and last known addresses.

When narcotic registration was created in 1961, computer databases were nonexistent to law enforcement. The only way to identify offenders (other than personal knowledge) was to require registration. It was asked of a lieutenant over a large narcotic unit, "Do you think in light of today's technology with local and state databases that registration for narcotics is still necessary?" His response was, "No, systems now have the ability to capture the needed information." However, this method will not capture those offenders who have not committed the offense in the jurisdiction they are living in. If the offender is still involved in narcotics, he or she will eventually be caught and establish contacts in the jurisdiction they reside.

Distribution of Information

Question 28 of the survey asked: Is drug registrant information provided to officers in the field on a regular

basis? If yes, how is the information provided (i.e. maps, names and addresses, bulletins)?

The intent and purpose of the narcotic registration program was to provide law enforcement with a tool to track offenders with the expectancy of protecting the community. It is the officers and deputies who patrol the community that provide the greatest protection, not the administration personnel who collect the information.

Ninety-three (48.2%) police departments and twenty-two (44.9%) sheriff stations stated that narcotic registration information is provided to officers and deputies in the field on a regular basis. Information was not provided at ninety-seven (50.3%) police departments and twenty-four (55.1%) sheriff stations.

The result from this question implies that narcotic registration is not a beneficial tool to many of the law enforcement agencies, thus useless for those law enforcement agencies to participate in the program. An interview with a detective in a specialized multi-jurisdictional narcotic unit stated narcotic registration information is not utilized for their investigations. The unit's primary source of information is obtained through citizen complaints and the "We Tip" line. However, the

unit's most reliable source of information is obtained through confidential informants.

Violent Crime Information
Network for Narcotic
Registrants

Question 29 of the survey instrument asked: Would DOJ expanding the Violent Crime Information Network (VCIN) system to accept drug registrant information benefit your agency (as currently designed for sex and arson registration)?

Based on survey response results from Question 24, the majority of agencies enter narcotic registration information into a local criminal database, but less than half of the agencies share the information with other agencies. Narcotic offenders are not static in on jurisdiction, especially when a jurisdiction contains very few square miles. For example, often an offender lives in one jurisdiction and works in another.

If narcotic information is beneficial, it should be included in a statewide database accessible to all law enforcement agencies. The state of California's Violent Crime Information Network (VCIN) could be enhanced to provide narcotic offender tracking. The system is currently structured to accept sex and arson offender

registration information. It is mandated through legislation for sex offender information to be entered into the system and the Department of Justice adapted the system to allow arson offender information.

One hundred and forty-two (73.6%) police departments and twenty-eight (73.7%) sheriff offices responded that DOJ expanding VCIN to accept narcotic registration information would benefit their agency. Forty-six (23.8%) police departments and nine (23.7%) sheriff offices responded that entry into VCIN would not benefit their agency.

Several police departments and sheriff offices expressed concern regarding the resources that would be needed for VCIN entries. The concerns were remarked in both affirmative and negative responses to the question, not just negative.

Narcotic Registration Value

Question 30 of the survey asked: If drug registration was a voluntary program and not mandated by law, is the information collected beneficial enough that your agency would continue to register drug registrants?

This hypothetical scenario was used in the creation of Question 30 to determine the value of narcotic registration information to an agency.

One hundred and twenty-four (64.2%) police departments and twenty-three (60.5%) sheriff offices responded that they would continue to register narcotic registrants for the information if narcotic registration was a voluntary program. Fifty-nine (30.6%) police departments and fourteen (36.8%) sheriff offices responded that they would discontinue registration if not mandated by law. It is not an overwhelming majority that would continue collecting the information.

Narcotic versus Sex Registration

Narcotic registration purports to protect the community from narcotic offenders by giving law enforcement a tool to track violators. This program modeled the sex registrant program from the very onset with one exception - the sex registration statute did not stipulate a termination date, which implied lifetime registration. Both registration programs initially specified, "The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer." As to date, the only permissible

disclosure of narcotic involvement pertains to the arrest of school employees prior to conviction and registration requirements. Health and Safety Code Section 11591 and 11591.5 allows such disclosure.

In 1994, the rape and killing of seven year old Megan Kanka by a convicted child molester drastically changed sex registration legislation in California and throughout the nation. Megan might not have been victimized if the registration information was publicly available allowing community awareness of the sex offenders. Law enforcement does not have the knowledge or resources to protect or prevent every person from victimization. The utmost protection from criminal activity is the empowerment of the people through knowledge.

Numerous modifications to the California sex registration legislation, as detailed in Chapters 863 through 867 of the California Statutes, occurred in 1994. The legislation, approved on September 26, 1994 and enacted under the California Penal Code, is cited as the "Child Protective Act," now commonly referred to as "Megan's Law," The modifications provide for stricter monitoring, harsher penalties for failure to register, and for public disclosure of information.

Stricter monitoring under the Child Protective Act required sex offenders to register annually within ten days of his or her birthday and has since been changed to within five days. This was in addition to registering at every change of address. Penalties for failure to register previously were at a misdemeanor level. Felony level penalties were handed down if the offender had two prior convictions for failure to register. The Child Protective Act outlined felony level penalties after one prior conviction for failure to register, or a felony level penalty could be sought on the first failure to register if the conviction offense for which he or she is required to register for was a felony.

The clause "The statements, photographs and fingerprints herein required shall not be open to inspection by the public or by any person other than a regularly employed peace or other law enforcement officer." was amended to "Except as provided in Section 290.4, the statements, photographs and fingerprints required by this section shall not be open to inspection by the public or by any person other than a regularly employed peace officer or other law enforcement officer." Chapter 867 of the 1994 Statutes added Penal Code Section 290.4 detailing

disclosure of information on sex offenders having committed sex offenses. However, not every conviction for sex offenses that require registration is subject to disclosure.

The legislation described the administration of a fee-based "900" telephone number by the Department of Justice. Citizens could call to obtain certain information on sex offenders. The address of the offender was not to be disclosed. The disclosure did allow for descriptions of the specific crime(s) requiring registration to be made public. The legislation specified that it was a crime to use the disclosed information to harass, discriminate, or commit a crime against a registrant.

The telephone service went into operation July 3, 1995 and was scheduled to terminate January 1, 1998 unless extended through legislation. Amendments were made to extend the service and currently scheduled to terminate January 1, 2004.

Registration Databases

In 1965, legislation mandated the Department of Justice to establish and maintain a telecommunication system for the needs and use of law enforcement. The

network, known as the California Telecommunication System (CLETS), became available in 1970 to law enforcement.

Contained within CLETS is a Violent Crime Information Network (VCIN); a system implemented in 1996.

Modifications to VCIN took effect in 1999, to comply with legislative mandates for direct submission of sex registration information by local law enforcement. This was significant because it allowed for statewide tracking in California of sex offender registrants. There is no such database for narcotic registration.

Another database within CLETS is the Automated Criminal History System (ACHS). This system contains a person's arrest record(s) and court disposition of the case. There are many restriction put on law enforcement and their ability to access a person's state criminal history record. There must be the "right to know" and the "need to know" in order to access the data. There are also restrictions on how the criminal history can be accessed. Routine transmissions cannot be performed through wireless devices such as a radio or mobile digital terminals (MDTs) which are terminals or computers in patrol cars. Transmissions are only approved via wireless devices when "There is reasonable cause to believe the immediate safety

of the officer and/or the public is at significant risk" (California Department of Justice, 25).

The Automated Criminal History System is the only statewide system containing conviction information. The information is not routinely available to officer in the field. This means that officers, when making field contacts, can only inquire by a landline telephone to determine if a person has been convicted of a narcotics offense and may be a registrant.

The Federal Bureau of Investigation (FBI) operates the National Crime Information Center (NCIC), a nationwide computer system for law enforcement. This system was established in 1967. A database, known as "Convicted Sexual Offender Registry," was added to NCIC in July of 1999. This database allows California's Department of Justice to programmatically transfer data from VCIN into the "Convicted Sexual Offender Registry." This system is a mechanism for tracking sex offender registrants state to state.

Sex Registration under Fire

In 2001, California's Megan's Law, the Department of Justice, and local law enforcement all came under fire for the mismanagement of sex offender registration. The Orange

County Register reported, on July 22, 2001 that sex offenders are failing to notify law enforcement of changes in residence (and the system relies on their honesty), the CD-ROM of California registered sex offenders distributed to law enforcement for their and public use is often inaccurate and the public is not taking advantage of the available information identifying sex offenders. It was estimated that roughly thirty percent were not living where last registered. Former California Attorney General Dan Lungren defended the program, "The system, as it is set up, gives all the opportunity for notice and steps for people to protect themselves."

Society's view of sex offenders versus that of narcotic offenders are at opposite ends of the spectrum; predators incapable of being rehabilitated versus junkies participating in "victimless" crimes. Narcotic registration is presumed to be a mechanism that protects the public but the collected information is not available to the public; unlike the sex registration information. There are two databases in place providing nationwide tracking of sex offenders for the state of California. There are two databases in California (VCIN and ACHS) that

could provide statewide narcotic offender tracking for law enforcement.

Department of Justice's
Registration Involvement

Relinquishment. Legislation mandates the Department of Justice to accept and forward narcotic registration information to the appropriate law enforcement agency having local jurisdiction where the convicted offender will reside. Budget restrictions and the lack of utilization of information by law enforcement caused DOJ to discontinue this notification process on September 1, 1991. At the same time, DOJ stopped providing law enforcement with a jurisdictional listing of registrants along with training about registration requirements and related changes in legislation. The two latter services were not legislative mandates.

Since September 1, 1991, DOJ's began archiving narcotic registration documents received from law enforcement. The documents are segregated by type, then date stamped, and stored in boxes by date received. Prior to this point in time, narcotic registration information was available to law enforcement as needed. Afterwards,

when contacted by a law enforcement agency for a picture on a registrant, DOJ cannot feasibly locate the picture.

Influence. California State Assembly Member Jim Battin, in 1995, authored legislation expanding registration requirements to include Health & Safety Code Section 11370.1 (possession of certain controlled substances while armed with a firearm). The California Department of Justice's Attorney General Daniel E. Lungren opposed and argued:

While local law enforcement agencies may continue to participate in the program by submitting to our department fingerprint cards, notices of registration, and change of address notices for inclusion on a registrant's criminal history record, our survey of such agencies demonstrates that they are making little use of the state narcotics registration information. Of the 23 agencies responding to our inquiry, which included the Los Angeles and San Diego Police Departments, and the Contra Costa, Riverside, Orange and Fresno Sheriff's Departments, 70% indicated that they never access the information. 58% responded that the narcotic registration was of no value.

These survey results were concurred in by the Attorney General's Advisory Committee on Identification and Information, which includes representatives of the courts, district attorney's, police, and sheriffs. They complained of the program's lack of utility, and were discouraged by its costs and the burden it places on local agencies.

If AB 264 is enacted and our department is compelled to begin processing 249,000 narcotics registration documents previously placed in archives, as well as new fingerprints and data at

the rate of 7,000 per month, it will cost in excess of \$1,000,000 (see attached fiscal supporting data). This seems a high price to pay for information which is never accessed, searched or used by law enforcement. Therefore, we must oppose AB 264 unless such funding is amended into the measure.

The opposition by DOJ caused the legislation to become effective only if funds are appropriated for DOJ to offset the cost of implementing the additional registration offense. As a result, there are two versions of the Health and Safety Code Section 11590, subdivision (a) and (d) published in statute reference books; one to include § 11370.1 as a registration offense, the other without. Relying on statute reference books, peace officers in the field and the personnel conduction registration do not know which statute is active.

DOJ's opposition is valid from the stand point of law enforcement under-utilizing the collected information. However, their argument that the addition of Health and Safety Code Section 11370.1 would compel the organization to process registration documents is misleading. Since 1991, DOJ has archived narcotic registration documents. A new registration offense added through legislation would not have any bearing on this practice.

Counter Legislation to
Narcotic Registration

Penal Code Section 1203.4

Detailed within an offense code description is the maximum allowable punishment for a violation of such offense. The California Legislature determines whether an offense violation is a misdemeanor or felony through the punishment outlined. However, at the Court's discretion, a felony offense can be reduced to a misdemeanor. The Court's can also issue probation in a felony case. Without a corresponding imprisonment term, a felony which only receives probation becomes a misdemeanor.

Penal Code Section 1203.4 allows those granted probation, fulfilled the terms of their probation, and have not been charged with any other offense to change the plea or verdict of "guilty" to "not guilty." The dismissal of the accusation releases an offender from all penalties and disabilities resulting from the conviction.

Penal Code Section 1203.4a allows the same for those convicted of a misdemeanor and not granted probation. Eligibility for relief begins one year after judgment or upon completion of the sentence where he or she has not been charged with any other offense. There are stipulated

exceptions in the two code sections where relief could not be granted.

Written into Health and Safety Code Section 11594 is the allowable relief, "Nothing in this section shall be construed to conflict with the provisions of Section 1203.4 of the Penal Code concerning termination of probation and release from disabilities of probation." Nothing in any of the aforementioned statutes limits the relief to one time only. The Court has discretion for granting the relief.

It is unknown how many narcotic offenders, statewide, are granted relief under Section 1203.4. This relief could potentially restrict registration with law enforcement to one or two years. A true and accurate picture of narcotic offenders in California is not captured through the registration program, nor does it allow law enforcement to "protect the public" from these offenders. It should be noted that the relief only affects the court records and not the arresting agency's records.

Penal Code Section 1000

Penal Code Section 1000 was added in the 1972 Statutes, creating a "diversion program" which provides for the education, treatment, and rehabilitation of narcotic offenders. Eight Health and Safety Code offense sections

are eligible for the "diversion" and a deferred entry of judgment. Six of the eight offenses would require narcotic registration upon conviction, these six offenses are:

- 1) § 11350 - possession of designated controlled substances
- 2) § 11357 - possession of concentrated cannabis
- 3) § 11377 - unauthorized possession of a controlled substance
- 4) § 11550 - under the influence of a controlled substance
- 5) § 11358 - unauthorized cultivation, harvesting or processing of marijuana
- 6) § 11368 - forged or altered prescriptions.

There are six criteria to meet before one can receive a recommendation of diversion: no prior controlled substance conviction, no other violations for narcotics or restricted dangerous drugs, no violence involved with narcotic offense, no involvement within the past five years in a diversion program, and no felony conviction in the past five years.

Upon a successful completion of the diversion program, the original offense is deemed never to have occurred. The offender does not have to admit to the arrest or completion

of diversion except when applying for a peace officer position. The offender does not have to register for narcotics with law enforcement. Should the offender not complete the diversion program, the court can find him or her guilty and proceed with sentencing. Narcotic registration would then be required.

Proposition 36

On November 7, 2000, the voter initiative Proposition 36 passed; requiring first and second time "nonviolent" personal-use offenders of narcotic possession, use, or transportation to receive treatment instead of incarceration. The initiative added Penal Code Section 1210 and 1210.1 into law. This legislation affected four narcotic registration offenses:

- 1) § 11350 - possession of designated controlled substances
- 2) § 11357 - possession of concentrated cannabis
- 3) § 11377 - unauthorized possession of a controlled substance
- 4) § 11550 - under the influence of a controlled substance.

The dismissal of one's arrest and conviction occurs with the successful treatment. The offender is then released

from all penalties and disabilities resulting from an offense such as narcotic registration.

Proposition 36 is very similar to Penal Code Section 1000, but with two key differences. Proposition 36 requires treatment instead of incarceration, under Penal Code 1000 treatment was an option. In addition, Proposition 36 created the funding and treatment programs for a successful outcome. The enactment of Proposition 36 did not repeal Section 1000 which is still in effect.

Legislation Analysis

Amendments to the legislation require time, effort, and the financial resources to modify the legislation. Whether the reason is to enhance the legislation or resolve any errors, the process is a monstrous bureaucracy.

As legislators enacted new narcotic control policies, rarely were these codes added to the registration requirements under the same Senate or Assembly Bill. This could have easily been done. Registration requirements of new narcotic control laws typically were an after thought and years later. This trend demonstrates that narcotic registration is not a priority among legislators.

Only one instance could be found where a new narcotic control policy was enacted and at the same time this law was added to the registration requirements. This occurred in Chapter 1044 of the 1986 Statutes. This legislation created Health and Safety Code Section 11351.5 generically defined as possession of a cocaine base for sale and amended Health and Safety Code Section 11590, subdivision (a), at the same time to add 11351.5 as a registration offense.

1961

Limited legislative documents exist related to the 1961 legislation creating Health & Safety Code 11590 and the registration program. Later amendments provided greater documentation. The documentation obtained from the California State Archives consisted of a one page analysis prepared by the Legislative Analyst, a report by the Office of Legislative Counsel, one inter-departmental communication from the Deputy Attorney General to Governor Edmund G. Brown and a one page Bill Memorandum to Governor Brown summarizing the Senate and Assembly votes and issues with the proposed legislation. The document's focus was on the education, treatment and rehabilitation for narcotic offenders. The documentation did not express the purpose

or rational for requiring narcotic registration. There was also no reference in the documents to narcotic registration replicating the sexual offender registration program.

1988

Assembly Bill 3018 proposed the expansion of narcotic registration requirements to those convicted of selling controlled substances to minors on school grounds. Invalid supporting statements were made a part of legislative documents in support of the amendment. One misleading statement in support of Assembly Bill 3018 came from the California Attorney General's Office under John K. Van De Kamp. A letter written by Special Agency/Legislative Advocate Carolyn McIntyre stated, "Requiring registration of such persons should deter recidivism by such offenders." There has been no research to determine the effects that registration has on deterring the offender from committing further violations.

Minute notes from an Assembly Committee hearing held March 7, 1988 state:

Compliance with narcotic offender registration provisions appears to be successful. According to the Department of Justice, 33,384 offenders are registered statewide. In 1986-87, the Department of Corrections reported the release of 12,898 narcotics offenders. Of these

persons, 12,012 followed through and registered with their respective sheriffs or police chiefs.

What was omitted from the discussion was the number of convicted narcotic offenders who should be registered with law enforcement but were not. Instead, they provided a number (33,384) of registrants which represents an unknown portion of an unknown total. There are several reasons for misrepresentation of the facts. First, narcotic registrants are not as easily tracked as sex registrants. Second, narcotic registration was not designed to be a life-long program, nor does it require annual registration during one's term of registration. Third, narcotic registration is not supported by a statewide computer system for tracking. Finally, as discussed prior, the conviction can be overturned per Penal Code 1203.4.

1989

Senate Bill 294 (S.B. 294) in 1989 attempted to extend registration requirements for possession of over 60 controlled substances. There were many valid issues and concerns raised in this Senate Bill along with opposition to the bill, this bill was not enacted. Bill analysis dated March 20, 1989 from the Senate Committee on Judiciary posed the issue:

No information on the success of the current registration requirement has been provided. Before adding addition possession offenses to the registration requirement it would be helpful to know how many drug convictions, other than convictions for failing to register, have been obtained as a result of the lists maintained pursuant to drug offender registration. It would also be helpful to know the cost of maintaining the lists and enforcing current registration requirements versus the benefit these lists provide to law enforcement.

It was suggested that the Department of Justice conduct a study to determine what controlled substances should require registration for a possession violation, determine if the program is successful in leading to drug offense convictions, and the cost effectiveness of the efforts.

Monterey County's Sheriff D.B. "Bud" Cook wrote a letter dated March 7, 1989 to Senator Jim Nielsen opposing Senate Bill 294. He stated, "A more open line of communication between parole and law enforcement would eliminate the need for this mountain of paperwork."

As a condition of parole or probation, the offender must provide current address information to his or her agent. Information could be obtained from the respective departments. If an offender does not comply with the terms of his or her parole or probation, it is doubtful they will comply with registration requirements.

CHAPTER SIX

SUMMARY

There is no dispute that illicit narcotic use is a considerable public health concern. It is linked to crime, the spread of disease, and many other ill effects on society. Government has taken a stand against the problem; Californians have been exposed to anti-narcotic propaganda, extensive legislation, and various programs.

A regulatory program to aid law enforcement in controlling the proliferation of illegal narcotic activity is a registration process for narcotic offenders. The registration process identifies the narcotic offenders, permitting law enforcement to track and monitor their residence. Limited technology in 1961 supported the need for a narcotic registration program. However, today, the administration of the narcotic registration program has become an overwhelming burden to many law enforcement jurisdictions. Ineffective tracking, a high volume of offenders in many jurisdictions, and limited resources prevent effective management.

To research this problem, three data collection methods were employed in this project: an examination of

legislative documents associated to registration requirements; "in-person" interviews of law enforcement personnel; and a three-page survey instrument composed of thirty labeled questions distributed to police and sheriff agencies through the U.S. Postal Service (USPS). The primary goal of the survey was to collect information about administration practices for narcotic registration at each agency.

The ability to track narcotic offenders with the expectancy of protecting the community is a primary purpose of the registration program. Incorrect address information given by a registrant serves little value to law enforcement. Roughly 12 percent of police and sheriff agencies do not verify the address given by the narcotic registrant and roughly 29 percent do not use an acceptable method, in my opinion, to verify an address. This equates to over 40 percent of the responding police departments and sheriff stations that do not verify a narcotic registrant's address or do not verify with a credible information base. These agencies rely on the registrant's honesty for valid address information.

In addition to agencies not properly verifying a narcotic offender's address, the registration information

was not provided to officers in the field at 50.3 percent of police departments and to deputies at 55.1 percent of sheriff stations. A substantial amount of agencies do not provide the information to those who can monitor and protect.

The tracking of narcotic offenders can occur easily through computer databases to produce a list of names and associated addresses; however, it requires resources devoted to the entry of the information. Currently a majority of agencies enter narcotic offender registration information into a local database, but the information is not well shared with other agencies. Entry into a separate database may not be necessary when roughly 80 percent of police departments and 71 percent of sheriff stations have a local criminal database system that can be searched by specific offenses. This relational database design allows for powerful data queries where narcotic users can easily be identified through agency contacts and criminal history.

A statewide database, accessible to all law enforcement agencies is the California's Violent Crime Information Network (VCIN). This system could be enhanced to provide for the tracking of narcotic offenders. The system is currently structured to accept sex and arson

offender registration information. Police and sheriff agencies responded at nearly the same rate (73 percent) indicating that narcotic information entered in VCIN would benefit their agency.

In addition, the survey instrument determined over 60 percent of police departments and 75 percent of sheriff stations do not pursue those in violation of registration requirements. The pursuit of non-compliant narcotic offenders is not a priority among a majority of law enforcement agencies. In many jurisdictions, the district attorney will not prosecute if the narcotic registration violation is the only offense. The legislation is viewed by many to have "no teeth" or sanctions.

Many other surveys could have benefited or supported this research. An inquiry of other states to determine if a similar program to California's narcotic registration exists; a cost benefit analysis; and a determination of the cost to support this program from the California Department of Corrections all would have benefited this research.

CHAPTER SEVEN

CONCLUSION

Complaints are often heard that government is inefficient, ineffective, and much too large. One often hears of wasted tax payer's money through such things as subsidies, programs that have no modern day use, or programs that should be operated by the private sector but are still being administered by government. Registration of narcotic offenders is an example of inefficient use of resources for an ineffective program due to the infrastructure and management.

Narcotic registration's underlying infrastructure is composed of legislation, tracking, and attitudes toward the program. The current legislation of narcotic registration is not sufficient to achieve protection of the community. Tracking is inefficient and ineffective between jurisdictions, and attitudes suggest the program is failing.

First, this research has emphasized the fact that information collected through narcotic registration is not public information as with sex offender registration. The seriousness of sex crimes and the risk to the public

warrants the public release of the information. Narcotic offenses, though often associated to other crimes as serious as gang activity, narcotic activity itself is not viewed as a serious risk to the public. Narcotic offender's privacy rights outweigh the risk to the public. The information collected through narcotic offender registration should not be available to the public on that basis.

Second, the legislation does not provide sufficient monitoring of the offender. Sex offender registrants are required to register annually to verify and update information, the annual mandate is once again due to the public risk of this class of offenders. Annual registration of narcotic offenders for the five year requirement after the discharge from jail, prison, parole or probation would assist in tracking and monitoring these offenders. Annual registration of narcotic offenders for the registration term would have to be evaluated to determine if it constitutes cruel or unusual punishment.

Third, the legislation does not provide for efficient or effective statewide tracking of narcotic offenders. The Department of Justice developed and maintains the Violent Crime Information Network (VCIN). The system was modified

in 1999 to accept sex offender registration information as mandated by law. The system could be modified to accept narcotic offender registration information. Currently tracking is conducted within each agency's jurisdiction.

Lastly, interviews with law enforcement personnel suggest that the program does not fulfill the intended purpose; the program is not what it could and should be. Several peace officers interviewed were unaware of California's narcotic registration program. Several personnel within specialized narcotic enforcement units stated that the information is not utilized, but is a tool that could be beneficial.

Narcotic registration is not a narcotic control policy. There have been no studies to determine if the program reduces further narcotic activity. Narcotic registration is not intended as punitive action against the offender. The program is strictly intended as a regulatory program to aid law enforcement in the tracking and monitoring of convicted narcotic offenders.

Unless an agency is proactively tracking and monitoring a narcotic registrant's activity, the information is reactive and does no more than the agency's local criminal database of contacts and arrest information.

The legislation has provided law enforcement with what is now a poorly designed tool to track and monitor narcotic offenders. Legislation is mandated upon the local agencies whether or not they wish to utilize the tool. Benefits of the program can only be determined by the agency and the community they protect.

The survey instrument for this project determined sixty-four percent of police departments and sixty percent of sheriff offices would continue to register narcotic registrants for the information if narcotic registration was a voluntary program. This is just a little over half. In 1991, the California Department of Justice (DOJ) curtailed their duties for the narcotic registration program due to "mounting costs and meager demand for the service." There has been no clamor by agencies attempting to require DOJ to provide previous services or to comply with their responsibilities in the law.

Roughly 80 percent of police departments and 71 percent of sheriff stations have systems that can query specific offenses in their local criminal database. Narcotic users can easily be identified through agency contacts. This method will not capture those offenders who have not committed the offense in the jurisdiction they are

living in. This may be a small amount of offenders not identified in a jurisdiction if this method was utilized, a consequence an agency may be willing to face versus the fiscal cost of maintaining the narcotic registration program.

CHAPTER EIGHT

RECOMMENDATIONS

This research has identified deficiencies in the narcotic offender registration program. Without amendments to the legislation, the program serves little value, especially when over fifty percent of the responding agencies do not provide the collected information to field personnel and the majority of agencies have the ability to identify narcotic offenders from criminal history.

As narcotic registration legislation exists today, the legislation needs to be repealed if amendments are not made to enhance the program. This of course would never occur. California's Senate or Assembly would not support such a drastic position. Legislators often "grandstand" narcotic issues and could not abolish a related program. It would be political suicide to go against a program that has the slightest chance to improve California's narcotic issues.

Slightly more than half of the responding agencies stated they would continue with narcotic registration if it was a voluntary program. The program is not a beneficial tool to many agencies. Again, narcotic offender registration is a regulatory, not punitive program.

Individual agencies should have the ability to decide whether or not to register narcotic offenders. Legislation could be handled in one of two methods to allow agency discretion in narcotic registration.

One option is to repeal the current legislation and allow registration for narcotic offenders to become a condition of parole or probation based on jurisdictional needs. The requirement to register would exist only as long as the offender is on parole or probation. Currently, notification of registration requirements is performed by the courts, California Department of Corrections (prisons and parole), probation, and jails; this would not change. Law enforcement agencies that wish to conduct registration would need to communicate the desire to those agencies that provide notification.

The second option to allow agency discretion in whether or not to register is to amend current legislation to place an exemption phrase into Health and Safety Code Section 11590, subdivision (a) and (b). In the following sentence, the proposed exemption is listed in quotes. Subdivision (a) and (b) could read...shall within 30 days of his or her coming into any county or city, or city and county in which he or she resides or is temporarily

domiciled for that length of time, register with the chief of police of the city in which he or she resides or the sheriff of the county if he or she resides in an unincorporated area "if the chief of police or sheriff so requires. It is the responsibility of the offender to determine registration requirements for the jurisdiction of residence." Notification of registration requirements in Health and Safety Code Sections 11592 and 11593 would remain the same.

In addition to the above proposal, an advanced tracking mechanism needs to be legislated. First, it should be required for the length of registration that the offender registers annually on his or her birthday to confirm and update registration information. This is in addition to registration for a change of address. Second, funding needs to be allocated for the Department of Justice to enhance the Violent Crime Information Network to accept and track narcotic offender registration information. This would allow effective statewide tracking of narcotic offenders.

APPENDIX A:
INTRODUCTION LETTER TO
SURVEY INSTRUMENT

Chief Russ Leach
Riverside Police Department
4102 Orange St.
Riverside, CA 92501

Dear Chief Leach:

In 1961, what is currently known as California's Health and Safety Code 11590 was enacted out of great concern for increasing drug use in this state. Documented legislative intent outlined corrective treatment, incarceration, along with a registration program to remedy the problem. Since 1961, there have been many amendments to the legislation expanding registerable offenses. Only in 1989 under Senate Bill 294 and Assembly Bill 134 was the success of the existing registration program questioned before imposing additional requirements. No study was conducted and additional requirements were imposed.

In 1991, the State of California, Department of Justice curtailed their duties in the drug registration program due to "mounting costs and meager demand for the service." A survey was conducted by the Department of Justice and of 23 responding agencies, 70% indicated they never accessed registration information from the state and 58% responded that the information was of no value.

I am pursuing a Masters in Public Administration from California State University San Bernardino. As part of my requirement for graduation, I am taking on the challenge to research California Health and Safety Code 11590. I will determine the intent and purpose of the legislation and whether the program is effective based on legislative intent.

In addition to pursuing a Masters, I have over nine years of law enforcement experience and currently hold the position of Management Analyst with Riverside Police Department. I am also a member of California Law Enforcement Association of Records Supervisors (CLEARS), Inland Chapter and have received the endorsement of CLEARS State Executive Board in this research.

Please assist me to determine the effectiveness of this program. Take a moment to complete the enclosed survey to ascertain whether Health and Safety Code 11590 is a benefit or a burden to your agency. Please forward to the appropriate division(s) for completion if necessary.

Thank you in advance Chief Leach, for your time and consideration in completing the survey. You may e-mail any questions or comments to: cavanaugh12@msn.com.

Sincerely,

Angelina Cavanaugh
Enclosure: Survey

APPENDIX B:
SURVEY INSTRUMENT TO
POLICE DEPARTMENTS

HEALTH AND SAFETY CODE 11590 QUESTIONNAIRE

Survey Number: 208 ***County:*** Riverside ***Agency:*** Riverside Police Department

Approximate Sworn Personnel: 348 ***Approximate Jurisdiction Population:*** 244,191

Please correct inaccurate information

Survey Completed By: _____ **Date:** _____

- 1) Does your agency register narcotic offenders under Health & Safety Code 11590? Yes ____ No ____
If no based on department policy, please indicate and return the survey. No other questions need be answered.
- 2) Within your agency's jurisdiction, how many different locations perform drug registration? _____
- 3) What division of your agency performs the registration? _____
- 4) How many days per week does your agency register drug offenders? _____
- 5) Approximately how many drug offenders does your agency register at all locations per day? _____
Per week? _____
- 6) By what schedule are registrations performed? 1) **Walk-in** 2) **Appointment** (Please Circle)
- 7) How many full-time positions are devoted solely to conducting/processing drug registrations at all locations?

- 8) If question seven (7) does not apply, how many full-time positions primarily conduct drug, sex and arson registration at all locations? _____
- 9) What other types of duties do drug registration personnel perform (if applicable)? _____

- 10) How many part-time positions are devoted to conducting/processing drug registration? _____

- 11) On average, how many hours per week do all personnel spend performing drug registration related duties?

- 12) What are the job classifications of the personnel conducting registration? _____

- 13) Which category do drug registration personnel correspond to? 1) **Sworn** 2) **Civilian** (Please Circle)
- 14) Is an interview conducted with the registrant? Yes ____ No ____
- 15) What type of paperwork does your agency complete for a drug registrant? 1) **Custom Form**
2) **DOJ's Form (SS - 8102)** 3) **DOJ's Registration Receipt (SS-8072)** (Please Circle all that apply)
- 16) Who fills out the form? 1) **Department Personnel** 2) **Registrant** (Please Circle)
- 17) If the Department of Justice's Registration Receipt is utilized what is done with the receipt?
1) **Mailed to registrant** 2) **Given to registrant prior to leaving the department** (Please Circle)
- 18) How is a drug registrant's address verified? _____
- 19) Does your agency take photographs of the drug registrant? Yes ____ No ____
If yes, how often? 1) **On each visit** 2) **If employee notices a change in appearance** 3) **Other** (Please specify) _____
Is a copy mailed to DOJ? Yes ____ No ____
- 20) Does your agency take fingerprints of the drug registrant? Yes ____ No ____
If yes, how often? _____
Does your agency retain a copy? Yes ____ No ____ Mail a copy to DOJ? Yes ____ No ____
- 21) What is the average time your agency spends registering a drug offender? _____
- 22) Does your agency actively pursue those in violation of drug registration requirements? Yes ____ No ____
If yes, approximate within how many days? _____

- 23) Does your agency have a special narcotic detail unit? Yes ____ No ____
 If yes, does your narcotic unit utilize the drug registration information collected? Yes ____ No ____
 If yes, what is the primary use of the information? 1) **Search Warrants** 2) **Other Investigation**
 (Please Circle)
- 24) Does your agency enter drug registrant information into a local criminal database? Yes ____ No ____
 If yes, is the information shared with other agencies on a regular basis? Yes ____ No ____
- 25) Does your agency purge drug registration information? Yes ____ No ____
 If yes, is the file along with any corresponding database purged? Yes ____ No ____
 How many years after their last registration date is the information purged? _____
- 26) Does your agency have a Crime Analysis Unit? Yes ____ No ____
 If yes, does the unit utilize the drug registration information to track the registrants? Yes ____ No ____
 Other uses of the information? _____
- 27) Does your agency have the ability to search in your local criminal history database for specific offenses?
 Yes ____ No ____ If yes, how many years back can be searched? _____
 Is there a fee for a query? Yes ____ No ____ If yes, how much would a search cost to determine the
 occurrences of one specific charge within the last five years? _____ If your agency has the
 capability, please provide information on who should be contacted? _____

- 28) Is drug registrant information provided to officers in the field on a regular basis? Yes ____ No ____
 If yes, how is the information provided (i.e. maps, names and addresses, bulletins)? _____

- 29) Would DOJ expanding the Violent Crime Information Network (VCIN) system to accept drug registrant
 information benefit your agency (as currently designed for sex and arson registration)? Yes ____ No ____
 If on a voluntary basis would your agency input drug registration data into VCIN? Yes ____ No ____
- 30) If drug registration was a voluntary program and not mandated by law, is the information collected
 beneficial enough that your agency would continue to register drug registrants? Yes ____ No ____

APPENDIX C:
SURVEY INSTRUMENT TO
SHERIFF OFFICES

HEALTH AND SAFETY CODE 11590 QUESTIONNAIRE

Survey Number: 1 ***Agency:*** Alameda County Sheriff

Survey Completed By: _____ **Position:** _____

Date Completed: _____

- 1) Does your agency register narcotic offenders under Health & Safety Code 11590 at the location this survey was sent? Yes ____ No ____ If no, please indicate at what address and return the survey, no other questions need be answered. _____
- 2) Within your jurisdiction, how many different locations (stations) perform drug registration? _____
- 3) What division(s) of your agency performs the registration? _____
- 4) How many days per week does your agency register drug offenders? _____
- 5) Approximately how many drug offenders does your agency register at the location that this survey was sent to per day? _____ Per week? _____
- 6) By what schedule are registrations performed? 1) **Walk-in** 2) **Appointment** (Please Circle)
- 7) How many full-time positions are devoted solely to conducting/processing drug registrations at the location this survey was sent to? _____
- 8) If question seven (7) does not apply, how many full-time positions primarily conduct drug, sex and arson registration the location this survey was sent to? _____
- 9) What other types of duties do drug registration personnel perform (if applicable)? _____

- 10) How many part-time positions are devoted to conducting/processing drug registration? _____

- 11) On average, how many hours per week do all personnel spend performing drug registration related duties?

- 12) What are the job classifications of the personnel conducting registration? _____

- 13) Which category do drug registration personnel correspond to? 1) **Sworn** 2) **Civilian** (Please Circle)
- 14) Is an interview conducted with the registrant? Yes ____ No ____
- 15) What type of paperwork does your agency complete for a drug registrant? 1) **Custom Form**
2) **DOJ's Form (SS - 8102)** 3) **DOJ's Registration Receipt (SS-8072)** (Please Circle all that apply)
- 16) Who fills out the form? 1) **Department Personnel** 2) **Registrant** (Please Circle)
- 17) If the Department of Justice's Registration Receipt is utilized what is done with the receipt?
1) **Mailed to registrant** 2) **Given to registrant prior to leaving the department** (Please Circle)
- 18) How is a drug registrant's address verified? _____
- 19) Does your agency take photographs of the drug registrant? Yes ____ No ____
If yes, how often? 1) **On each visit** 2) **If employee notices a change in appearance** 3) **Other** (Please specify) _____ Is a copy mailed to DOJ? Yes ____ No ____
- 20) Does your agency take fingerprints of the drug registrant? Yes ____ No ____
If yes, how often? _____
Does your agency retain a copy? Yes ____ No ____ Mail a copy to DOJ? Yes ____ No ____
- 21) What is the average time your agency spends registering a drug offender? _____
- 22) Does your agency actively pursue those in violation of drug registration requirements? Yes ____ No ____
If yes, approximate within how many days? _____
- 23) Does your agency have a special narcotic detail unit? Yes ____ No ____
If yes, does your narcotic unit utilize the drug registration information collected? Yes ____ No ____
If yes, what is the primary use of the information? 1) **Search Warrants** 2) **Other Investigation**
(Please Circle)

- 24) Does your agency enter drug registrant information into a local criminal database? Yes ____ No ____
If yes, is the information shared with other agencies on a regular basis? Yes ____ No ____
- 25) Does your agency purge drug registration information? Yes ____ No ____
If yes, is the file along with any corresponding database purged? Yes ____ No ____
How many years after their last registration date is the information purged? _____
- 26) Does your agency have a Crime Analysis Unit? Yes ____ No ____
If yes, does the unit utilize the drug registration information to track the registrants? Yes ____ No ____
Other uses of the information? _____
- 27) Does your agency have the ability to search in your local criminal history database for specific offenses?
Yes ____ No ____ If yes, how many years back can be searched? _____
Is there a fee for a query? Yes ____ No ____ If yes, how much would a search cost to determine the
occurrences of one specific charge within the last five years? _____ If your agency has the
capability, please provide information on who should be contacted? _____

- 28) Is drug registrant information provided to officers in the field on a regular basis? Yes ____ No ____
If yes, how is the information provided (i.e. maps, MDC's, logs, bulletins)? _____

- 29) Would DOJ expanding the Violent Crime Information Network (VCIN) system to accept drug registrant
information benefit your agency (as currently designed for sex and arson registration)? Yes ____ No ____
If on a voluntary basis would your agency input drug registration data into VCIN? Yes ____ No ____
- 30) If drug registration was a voluntary program determined by your agency, is the information collected
beneficial enough that your agency would continue to register drug registrants? Yes ____ No ____

APPENDIX D:
SURVEY RESULTS OF
POLICE DEPARTMENTS

Question
No.

Question

Response

1 Does your agency register narcotic offenders under Health & Safety Code 11590?

Yes	No
193 96.0%	8 4.0%

3 What division of your agency performs the registration?

73 37.8%	26 13.5%	28 14.5%	49 25.4%	4 2.1%	3 1.6%	10 5.2%
Records/Support/ Services/Dispatch ID	Field Ops Patrol/Support Services	Detectives/ Investigations	Patrol/ Investigations/ Records/CSO	Property/Evidence	Crime Analysis	Jail

4 How many days per week does your agency register drug offenders?

No Response	1	2	3	4	5	6	7
1 0.5%	27 14.0%	12 6.2%	8 4.1%	18 9.3%	86 44.6%	1 0.5%	40 20.7%

Question
No.

Question

5

Approximately how many drug offenders
does your agency register at all
locations per week?

6

By what schedule are registrations
performed?

11

On average how many hours per week do
all personnel spend performing drug
registration related duties?

Response

No Response/Unmeasurable/Varies	Less than 1	1-3 Registrants	4-8 Registrants	9-15 Registrants	16-30 Registrants	31-65 Registrants	66-200 Registrants
15 7.8%	41 21.2%	56 29.0%	47 24.4%	16 8.3%	12 6.2%	4 2.1%	2 1.0%
No Response	Walk-in	Appointment	Both				
3 1.6%	104 53.9%	66 34.2%	20 10.4%				
No Response/Varies / 0	Less than 1	1-3 Hours	4-9 Hours	10-15 Hours	16-36 Hours	37-55 Hours	56-120 Hours
15 7.8%	38 19.7%	65 33.7%	39 20.2%	18 9.3%	12 6.2%	4 2.1%	2 1.0%

Question No.	Question	Response							
13	Which category do drug registration personnel correspond to?	Sworn	Civilian	Both					
		64	112	17					
		33.2%	58.0%	8.8%					
14	Is an interview conducted with the registrant?	Yes	No						
		104	89						
		53.9%	46.1%						
15	What type of paperwork does your agency complete for a drug registrant?	No Response	(1) Custom Form	(2) DOJ SS-8102	(3) DOJ SS-8072	1 & 2	1 & 3	2 & 3	1,2,3
		2	4	3	17	1	19	103	44
		1.0%	2.1%	1.6%	8.8%	0.5%	9.8%	53.4%	22.8%
16	Who fills out the form?	No Response	Registrant	Department Personnel	Both				
		4	18	152	19				
		2.1%	9.3%	78.8%	9.8%				

Question
No.

Question

17

If the Department of Justice's
Registration Receipt is utilized,
what is done with the receipt?

18

How is a drug registrant's address
verified?

19

Does your agency take photographs of
the drug registrant?

Yes	No
181	12
93.8%	6.2%

Question No.	Question	Response			
19a	If yes, how often?	No Response	On each visit	1st Visit	Change in appearance
		4 2.2%	135 74.6%	15 8.3%	27 14.9%
19b	Is a copy mailed to DOJ?	No Response	Yes	No	
		33 18.2%	60 33.1%	88 48.6%	
20	Does your agency take fingerprints of the drug registrant?	Thumbprint only	Yes	No	
		9 4.7%	170 88.1%	14 7.3%	
20a	If yes, how often?	No Response	1st Visit	Each Visit	Annually
		38	75	54	3

Question
No.

Question

20b Does your agency retain a copy?

20c Is a copy mailed to DOJ?

What is the average time(in minutes)
your agency spends registering a drug
offender?

21

Does your agency actively pursue
those in violation of drug
registration requirements?

22

22.4% 44.1% 31.8% 1.8%

Response

No Response	Yes	No
4	153	13
2.4%	90.0%	7.6%

No Response	Yes	No
14	114	42
8.2%	67.1%	24.7%

No Response / Varies	1-2	3-15	16-25	26-44	45-60	61-180	181-240
3	1	12	23	61	77	15	1
1.6%	0.5%	6.2%	11.9%	31.6%	39.9%	7.8%	0.5%

No Response	Yes	No
3	73	117
1.6%	37.8%	60.6%

Question
No.

Question

22a

If yes, approximate within how many days?

23

Does your agency have a special narcotic detail unit?

23a

If yes, does your narcotic unit utilize the drug registration information collected?

23b

If yes, what is the primary use of the information?

Response

No Response	ASAP/ Varies	1-9 Days	10-20 Days	21-30 Days	31-90 Days
10	32	9	4	12	6
13.7%	43.8%	12.3%	5.5%	16.4%	8.2%
No Response	Yes		No		
1	105		87		
0.5%	54.4%		45.1%		
No Response	Yes		No		
5	81		19		
4.8%	77.1%		18.1%		
No Response	Search Warrants	Other Investigation	Both		
5	8	39	29		
6.2%	9.9%	48.1%	35.8%		

Question

No.

Question

24

Does your agency enter drug registrant information into a local criminal database?

24a

If yes, is the information shared with other agencies on a regular basis?

25

Does your agency purge drug registration information?

25a

If yes, is the file along with any corresponding database purged?

Response

No Response	Yes	No
1	144	48
0.5%	74.6%	24.9%

No Response	Yes	No
3	63	78
2.1%	43.8%	54.2%

No Response	Yes	No
8	60	125
4.1%	31.1%	64.8%

No Response	Yes	No	N/A
3	40	10	7
5.0%	66.7%	16.7%	11.7%

Question
No.

Question

25b

How many years after their last
registration date is the information
purged?

26

Does your agency have a Crime
Analysis Unit?

26a

If yes, does the unit utilize the
drug registration information to
track the registrants?

27

Does your agency have the ability to
search in your local criminal history
database for specific offenses?

Response

No Response	0-4 Years	5 Years	6-10 Years	11-20 Years	Move out of Jurisdiction	At Death
11	6	28	12	1	1	1
18.3%	10.0%	46.7%	20.0%	1.7%	1.7%	1.7%

No Response	Yes	No
1	73	119
0.5%	37.8%	61.7%

No Response	Yes	No
3	29	41
4.1%	39.7%	56.2%

No Response	Unknown	Yes	No
2	3	155	33
1.0%	1.6%	80.3%	17.1%

Question
No.

Question

28

Is drug registrant information provided to officers in the field on a regular basis?

28a

If yes, how is the information provided

29

Would DOJ expanding the VCIN system to accept drug registrant information benefit your agency?

29a

If on a voluntary basis would your agency input drug registration data into VCIN?

Response

No Response or Unknown	Yes	No			
3 1.6%	93 48.2%	97 50.3%			
Logs/ Bulletins	Radio	Officer Initiated	No Response	Briefing	E-Mail
41 44.1%	9 9.7%	11 11.8%	19 20.4%	10 10.8%	4 4.3%
No Response	Yes	No			
5 2.6%	142 73.6%	46 23.8%			
No Response	Yes	No			
10 5.2%	137 71.0%	46 23.8%			

Question**No.****Question**

30

If drug registration was a voluntary program and not mandated by law, is the information collected beneficial enough that your agency would continue to register drug registrants?

Response

No	Response	Yes	No
10		124	59
5.2%		64.2%	30.6%

APPENDIX E:
SURVEY RESULTS OF
SHERIFF OFFICES

Question
No.

Question

1 Does your agency register narcotic
offenders under Health & Safety Code
11590 at the location this survey was
sent?

148

3 What division of your agency performs
the registration?

4 How many days per week does your
agency register drug offenders?

Response

Yes	No
49	17
74.2%	25.8%

Records/Clerical/ ID/Forensics/ Licensing/Dispatch	Field Ops/ Patrol/CSO/Dispatch	Investigations	Jail/ Custody/ Corrections
37	5	3	4
75.5%	10.2%	6.1%	8.2%

No Response	1 per month	1	2	3	4	5	7
2	1	7	7	2	1	23	6
4.1%	2.0%	14.3%	14.3%	4.1%	2.0%	46.9%	12.2%

Question
No.

Question

5

Approximately how many drug offenders does your agency register at the location that this survey was sent to per week?

6

By what schedule are registrations performed?

11

On average how many hours per week do all personnel spend performing drug registration related duties?

Response

No Response/ Varies/Less than 1	1-3 Registrants	4-8 Registrants	9-20 Registrants	21-35 Registrants	36-125 Registrants
6	14	10	15	2	2
12.2%	28.6%	20.4%	30.6%	4.1%	4.1%

No Response	Walk-in	Appointment	Both
1	33	12	3
2.0%	67.3%	24.5%	6.1%

No Response/ Varies	Less than 1	1-3 Hours	4-8 Hours	9-20 Hours	21-25 Hours	26-50 Hours	51-125 Hours
3	4	17	11	9	1	2	2
6.1%	8.2%	34.7%	22.4%	18.4%	2.0%	4.1%	4.1%

Question No.	Question	Response				
13	Which category do drug registration personnel correspond to?	No Response	Sworn	Civilian	Both	
		5 10.2%	7 14.3%	36 73.5%	1 2.0%	
14	Is an interview conducted with the registrant?	No Response	Yes	No		
		1 2.0%	14 28.6%	34 69.4%		
15	What type of paperwork does your agency complete for a drug registrant?	No Response	(1) Custom Form	(2) DOJ SS-8102	(3) DOJ SS-8072	1 & 2 1 & 3 2 & 3 1,2,3
		3 6.1%				3 27 16 6.1% 55.1% 32.7%
16	Who fills out the form?	No Response	Registrant	Department Personnel	Both	
		2 4.1%	9 18.4%	28 57.1%	10 20.4%	

Question
No.

Question

Response

17

If the Department of Justice's
Registration Receipt is utilized,
what is done with the receipt?

Mailed to
registrant

10
20.4%

Given to registrant
prior to leaving
the department

12
24.5%

Both

27
55.1%

18

How is a drug registrant's address
verified?

No Response

2
4.1%

DMV
Record/ID/8048
/Local history

14
28.6%

Phone Call/
Home Visit

1
2.0%

Mailed receipt

21
42.9%

Mail/
Utilities

5
10.2%

Not Verified

6
12.2%

19

Does your agency take photographs of
the drug registrant?

Yes

46
93.9%

No

3
6.1%

Question
No.

Question

Response

19a If yes, how often?

No Response	On each visit	1st Visit	Change in appearance
4	36	3	3
8.7%	78.3%	6.5%	6.5%

19b Is a copy mailed to DOJ?

No Response	Yes	No
15	13	18
32.6%	28.3%	39.1%

20 Does your agency take fingerprints of
the drug registrant?

Yes	No
46	3
93.9%	6.1%

20a If yes, how often?

No Response	1st Visit	Each Visit
8	32	6
17.4%	69.6%	13.0%

Question
No.

Question

20b Does your agency retain a copy?

20c Is a copy mailed to DOJ?

21 What is the average time your agency
spends registering a drug offender?

22 Does your agency actively pursue
those in violation of drug
registration requirements?

Response

No Response	Yes	No
0.0%	37 80.4%	9 19.6%

No Response	Yes	No
3 6.5%	26 56.5%	17 37.0%

No Response	1-15	16-25	26-45	46-60	61-120
2 4.1%	6 12.2%	11 22.4%	20 40.8%	9 18.4%	1 2.0%

Yes	No
12 24.5%	37 75.5%

Question
No.

Question

22a

If yes, approximate within how many days?

23

Does your agency have a special narcotic detail unit? One answer per jurisdiction.

23a

If yes, does your narcotic unit utilize the drug registration information collected? One answer per jurisdiction.

Response

No Response	ASAP / Varies	1-5 days	6-7 days	8-30 days	31-60 days
2	2	2	2	3	1
16.7%	16.7%	16.7%	16.7%	25.0%	8.3%

Yes	No
36	2
94.7%	5.3%

No Response	Yes	No
1	20	15
2.8%	55.6%	41.7%

Question
No.

Question

23b If yes, what is the primary use of
the information? One answer per
jurisdiction.

24 Does your agency enter drug
registrant information into a local
criminal database?

24a If yes, is the information shared
with other agencies on a regular
basis?

25 Does your agency purge drug
registration information?

Response

No Response	Search Warrants	Other Investigation	Both
1	3	12	4
5.0%	15.0%	60.0%	20.0%

Yes	No
39	10
79.6%	20.4%

No Response	Yes	No
2	26	11
5.1%	66.7%	28.2%

No Response	Yes	No
1	18	30
2.0%	36.7%	61.2%

Question
No.

Question

25a

If yes, is the file along with any
corresponding database purged?

25b

How many years after their last
registration date is the information
purged?

26

Does your agency have a Crime
Analysis Unit?

26a

If yes, does the unit utilize the
drug registration information to
track the registrants?

Response

No Response	Yes	No	N/A
1	14	1	2
5.6%	77.8%	5.6%	11.1%

No Response	0-4 Years	5 Years	6-10 Years	11-30 Years	End of Registration
4	2	6	3	1	2
22.2%	11.1%	33.3%	16.7%	5.6%	11.1%

No Response	Yes	No
2	30	17
4.1%	61.2%	34.7%

No Response	Yes	No
6	10	14
20.0%	33.3%	46.7%

Question
No.

Question

27

Does your agency have the ability to search in your local criminal history database for specific offenses?

28

Is drug registrant information provided to officers in the field on a regular basis

28a

If yes, how is the information provided

Response

No Response	Yes	No
2	35	12
4.1%	71.4%	24.5%

Yes	No
22	27
44.9%	55.1%

No Response	Logs / Bulletins	Radio	Officer Initiated	E-Mail/ Computer Database/MDC
2	4	5	5	6
9.1%	18.2%	22.7%	22.7%	27.3%

Question
No.

Question

29

Would DOJ expanding the VCIN system to accept drug registrant information benefit your agency? One answer per entire jurisdiction.

29a

If on a voluntary basis would your agency input drug registration data into VCIN? One answer per entire jurisdiction.

30

If drug registration was a voluntary program determined by your agency, is the information collected beneficial enough that your agency would continue to register drug registrants? One answer per entire jurisdiction.

Response

No Response	Yes	No
1	28	9
2.6%	73.7%	23.7%

No Response	Yes	No
1	26	11
2.6%	68.4%	28.9%

No Response	Yes	No
1	23	14
2.6%	60.5%	36.8%

APPENDIX F:
NON-RESPONDENT POLICE AGENCIES
FOR SURVEY INSTRUMENT

Survey No.	Agency	County
4	Dublin Police Department	Alameda
15	Union City Police Department	Alameda
18	Chico Police Department	Butte
19	Gridley Police Department	Butte
21	Paradise Police Department	Butte
23	Colusa Police Department	Colusa
25	Antioch Police Department	Contra Costa
26	Brentwood Police Department	Contra Costa
29	Danville Police Department	Contra Costa
31	Hercules Police Department	Contra Costa
33	Moraga Police Department	Contra Costa
38	San Pablo Police Department	Contra Costa
39	Walnut Creek Police Department	Contra Costa
40	Crescent City Police Department	Del Norte
42	South Lake Tahoe Police Department	El Dorado
44	Firebaugh Police Department	Fresno
45	Fowler Police Department	Fresno
46	Fresno Police Department	Fresno
47	Huron Police Department	Fresno
48	Kerman Police Department	Fresno
49	Kingsburg Police Department	Fresno
53	Selma Police Department	Fresno
57	Blue Lake Police Department	Humboldt
58	Eureka Police Department	Humboldt
60	Fortuna Police Department	Humboldt
63	Calexico Police Department	Imperial
66	Holtville Police Department	Imperial
68	Westmorland Police Department	Imperial
71	Bakersfield Police Department	Kern
72	Bear Valley Police Department	Kern
74	China Lake Police Department	Kern
76	Pine Mountain Police Department	Kern
79	Stallion Police Department	Kern
81	Corcoran Police Department	Kings
82	Hanford Police Department	Kings
83	Lemoore Police Department	Kings
85	Lakeport Police Department	Lake
86	Susanville Police Department	Lassen
87	Alhambra Police Department	Los Angeles
93	Beverly Hills Police Department	Los Angeles
94	Burbank Police Department	Los Angeles
95	Claremont Police Department	Los Angeles
97	Culver City Police Department	Los Angeles
103	Glendora Police Department	Los Angeles
104	Hawthorne Police Department	Los Angeles
105	Hermosa Beach Police Department	Los Angeles
109	La Verne Police Department	Los Angeles
112	Manhattan Beach Police Department	Los Angeles
113	Maywood Police Department	Los Angeles

Survey No.	Agency	County
119	Pomona Police Department	Los Angeles
120	Redondo Beach Police Department	Los Angeles
123	San Marino Police Department	Los Angeles
124	Santa Monica Police Department	Los Angeles
126	Signal Hill Police Department	Los Angeles
127	South Gate Police Department	Los Angeles
129	Torrance Police Department	Los Angeles
131	West Covina Police Department	Los Angeles
134	Belvedere Police Department	Marin
138	Ross Police Department	Marin
140	San Rafael Police Department	Marin
141	Sausalito Police Department	Marin
146	Willits Police Department	Mendocino
148	Dos Palos Police Department	Merced
150	Livingston Police Department	Merced
151	Los Banos Police Department	Merced
152	Merced Police Department	Merced
155	Carmel by the Sea P.D.	Monterey
156	Del Rey Oaks Police Department	Monterey
157	Gonzales Police Department	Monterey
158	Greenfield Police Department	Monterey
159	King City Police Department	Monterey
161	Monterey Police Department	Monterey
164	Seaside Police Department	Monterey
167	Napa Police Department	Napa
168	St. Helena Police Department	Napa
170	Nevada City Police Department	Nevada
171	Anaheim Police Department	Orange
173	Buena Park Police Department	Orange
175	Cypress Police Department	Orange
176	Fountain Valley Police Department	Orange
177	Fullerton Police Department	Orange
181	La Habra Police Department	Orange
186	Newport Beach Police Department	Orange
188	Placentia Police Department	Orange
189	Santa Ana Police Department	Orange
190	Seal Beach Police Department	Orange
193	Auburn Police Department	Placer
194	Lincoln Police Department	Placer
196	Roseville Police Department	Placer
198	Beaumont Police Department	Riverside
204	Indio Police Department	Riverside
210	Citrus Heights Police Department	Sacramento
216	Adelanto Police Department	San Bernardino
218	Chino Police Department	San Bernardino
220	Fontana Police Department	San Bernardino
221	Montclair Police Department	San Bernardino
222	Morongo Police Department	San Bernardino

Survey No.	Agency	County
223	Needles Police Department	San Bernardino
225	Redlands Police Department	San Bernardino
226	Rialto Police Department	San Bernardino
233	La Mesa Police Department	San Diego
234	National City Police Department	San Diego
247	Grover Beach Police Department	San Luis Obispo
250	Pismo Beach Police Department	San Luis Obispo
252	Atherton Police Department	San Mateo
254	Brisbane Police Department	San Mateo
257	Colma Police Department	San Mateo
262	Hillsborough Police Department	San Mateo
263	Menlo Police Department	San Mateo
271	Guadalupe Police Department	Santa Barbara
272	Lompoc Police Department	Santa Barbara
273	Santa Barbara Police Department	Santa Barbara
274	Santa Maria Police Department	Santa Barbara
276	Gilroy Police Department	Santa Clara
277	Los Altos Police Department	Santa Clara
280	Morgan Police Department	Santa Clara
281	Mountain View Police Department	Santa Clara
282	Palo Alto Police Department	Santa Clara
283	San Jose Police Department	Santa Clara
287	Santa Cruz Police Department	Santa Cruz
290	Anderson Police Department	Shasta
298	Fairfield Police Department	Solano
299	Rio Vista Police Department	Solano
301	Vacaville Police Department	Solano
303	Cloverdale Police Department	Sonoma
311	Windsor Police Department	Sonoma
313	Hughson Police Department	Stanislaus
315	Newman Police Department	Stanislaus
317	Patterson Police Department	Stanislaus
318	Turlock Police Department	Stanislaus
319	Waterford Police Department	Stanislaus
322	Red Bluff Police Department	Tehama
324	Exeter Police Department	Tulare
326	Lindsay Dept. of Public Safety	Tulare
327	Porterville Police Department	Tulare
328	Tulare Police Department	Tulare
329	Visalia Police Department	Tulare
331	Sonora Police Department	Tuolumne
335	Simi Valley Police Department	Ventura
342	Wheatland Police Department	Yuba

APPENDIX G:
SHERIFF SURVEY RESPONSE
RATE BY COUNTY

County	Surveys Mailed	Surveys Returned	Number of Registering Stations	Registering Response Rate
Alameda	1	1	1	100%
Alpine	1	1	1	100%
Amador	1	0	Unknown	0%
Butte	1	1	1	100%
Calaveras	1	1	1	100%
Colusa	1	1	1	100%
Contra Costa	4	3	1	100%
Del Norte	1	0	Unknown	0%
El Dorado	1	1	2	50%
Fresno	1	0	Unknown	0%
Glenn	1	0	Unknown	0%
Humboldt	1	1	1	100%
Imperial	1	0	Unknown	0%
Inyo	1	1	1	100%
Kern	11	2	1	100%
Kings	1	0	Unknown	0%
Lake	1	1	3	33%
Lassen	1	0	Unknown	0%
Los Angeles	22	7	1	100%
Madera	1	1	1	100%
Marin	1	1	1	100%
Mariposa	1	0	Unknown	0%
Mendocino	1	1	4	25%
Merced	1	0	Unknown	0%
Modoc	1	0	Unknown	0%
Mono	1	0	Unknown	0%
Monterey	1	1	1	100%
Napa	1	1	1	100%
Nevada	1	1	2	50%
Orange	1	0	Unknown	0%
Placer	1	1	2	50%
Plumas	1	1	1	100%
Riverside	4	3	12	25%
Sacramento	1	0	Unknown	0%
San Benito	1	0	Unknown	0%
San Bernardino	15	10	15	67%
San Diego	8	6	1	100%
San Francisco	1	1	0	Not Calculable
San Joaquin	1	1	1	100%
San Luis Obispo	1	1	1	100%
San Mateo	1	1	1	100%

County	Surveys Mailed	Surveys Returned	Number of Registering Stations	Registering Response Rate
Santa Barbara	1	1	2	50%
Santa Clara	2	2	1	100%
Santa Cruz	1	1	1	100%
Shasta	1	0	Unknown	0%
Sierra	1	1	2	50%
Siskiyou	1	0	Unknown	0%
Solano	1	1	2	50%
Sonoma	1	1	1	100%
Stanislaus	1	1	1	100%
Sutter	1	1	1	100%
Tehama	1	0	Unknown	0%
Trinity	1	1	1	100%
Tulare	1	1	1	100%
Tuolumne	1	0	Unknown	0%
Ventura	4	2	2	50%
Yolo	1	1	1	100%
Yuba	1	0	Unknown	0%

APPENDIX H:

SS 8102 REGISTRATION CHANGE
OF ADDRESS/ANNUAL UPDATE

State of California -- Department of Justice
REGISTRATION PROGRAM
P.O. Box 903387, Sacramento, CA 94203-3870

REGISTRATION CHANGE OF ADDRESS / ANNUAL UPDATE

Type or print neatly and complete all fields. Be sure to have the registrant sign this form and initial each registration requirement.

<input type="checkbox"/> SEX REGISTRANT (290 P.C.)		<input type="checkbox"/> ARSON REGISTRANT (457.1 P.C.)		<input type="checkbox"/> NARCOTIC REGISTRANT (11590 H&S)	
<input type="checkbox"/> MOVING INTO WITHIN THIS JURISDICTION		<input type="checkbox"/> MOVING OUT OF THIS JURISDICTION		<input type="checkbox"/> UPDATE (SEX REGISTRANTS ONLY ANNUAL OR 60-DAY)	
FULL NAME OF REGISTRANT		Last		First Middle	
ALIASES		HOME PHONE NUMBER		WORK PHONE NUMBER	
SEX	RACE	HAIR COLOR	EYE COLOR	HEIGHT	WEIGHT
DATE OF BIRTH		PLACE OF BIRTH			
ADDRESS GROUP	STREET NUMBER	STREET NAME		APARTMENT OR UNIT NUMBER	
CITY	COUNTY	STATE	ZIP CODE		
Concurrent Registration Address	STREET NUMBER	STREET NAME	APARTMENT OR UNIT NUMBER	TRANSIENT	YES
	CITY	COUNTY	STATE	ZIP CODE	No
Campus Registration Address	STREET NUMBER	STREET NAME	APARTMENT OR UNIT NUMBER	TRANSIENT	YES
	CITY	COUNTY	STATE	ZIP CODE	No
OCCUPATION	EMPLOYER'S NAME	STREET NUMBER	STREET NAME	CITY	STATE
					ZIP CODE
SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS	LOCATION	DESCRIPTION	PICTURE	TEXT	
SCARS, MARKS, TATTOOS, AND OTHER CHARACTERISTICS	LOCATION	DESCRIPTION	PICTURE	TEXT	
CD NUMBER	CDC NUMBER		CYA NUMBER		
FBI NUMBER	SOCIAL SECURITY NUMBER		ORIGINATING AGENCY CASE NUMBER		
VEHICLES OWNED, REGISTERED or REGULARLY DRIVEN	IDENTIFICATION NUMBER	YEAR	MAKE	MODEL	STYLE
					COLOR(S)
LICENSE PLATE	NUMBER	STATE	TYPE	YEAR	DRIVER'S LICENSE
					NUMBER
					STATE
					YEAR OF EXPIRATION
VEHICLES OWNED, REGISTERED or REGULARLY DRIVEN	IDENTIFICATION NUMBER	YEAR	MAKE	MODEL	STYLE
					COLOR(S)
LICENSE PLATE	NUMBER	STATE	TYPE	YEAR	
NEXT OF KIN	STREET NUMBER		STREET NAME		
CITY	STATE	ZIP CODE			
REGISTERING AGENCY	NAME OF AGENCY (DO NOT ABBREVIATE)		REGISTERING OFFICER'S NAME AND TITLE		PHONE NUMBER
REGISTERING AGENCY CONTACT PERSON	UNIT	NAME	PHONE NUMBER	MNEMONIC	

I have been notified of my duty to register as a convicted sex offender under PC §290 and/or a convicted arson offender under PC §457.1 and/or a convicted narcotic offender under H&S §11590. I have read, understood, and initialed each registration requirement as specified on the reverse side of this form.

Under penalty of perjury, I certify the above information is true and accurate.

REGISTRANT'S SIGNATURE

DATE OF NOTIFICATION/REGISTRATION

Rollled right thumbprint

REGISTRATION NOTIFICATION STATEMENT

Sex and Arson Offenders:

Registrant required to initial all requirements

My responsibility to register is a lifetime requirement

Upon coming into, or when changing my address or transient location within, any city, county, or city and county in which I am residing or located, I must register with the law enforcement agency having jurisdiction over my residence or location, as an **arson offender, within 14 days, or as a sex offender, within 5 working days.**

When changing my residence address, or transient location either within California or out of state, I must inform the registering agency with which I last registered of the new address or transient location, as an **arson offender, within 10 days, or as a sex offender, within 5 working days.**

Sex Offenders Only:

I understand it is my duty to know the legal requirements of Penal Code section 290, including changes to the law. These requirements include, but are not limited to, the following:

Upon release from incarceration, placement, or commitment, within **5 working days**, I must register or re-register if I have previously registered, with the law enforcement agency or agencies having jurisdiction over my location or places of residence.

I must annually, within **5 working days** of my birthday, go to the law enforcement agency having jurisdiction over my location or place of residence and update my registration information, including employer's name and address.

Within **5 working days** of changing my name, I must notify the law enforcement agency having jurisdiction over my transient location or place of residence.

If I move out of California, I am required to register in any state in which I am located or reside, within **10 days**, with the law enforcement agency having jurisdiction over my residence or transient location.

If I attend school or am employed in another state, I must register with the law enforcement agency in the state having jurisdiction over the school or employment location in addition to registering in my state of residence.

If I have no residence address (transient), in addition to the requirement to register annually with **5 working days** of my birthday, I must update my registration information at least **once every 60 days** and register a change of transient location within **5 working days** with the law enforcement agency having jurisdiction over my location.

If I have ever been designated a sexually violent predator, I must update my registration information at least **once every 90 days** and annually within **5 working days** of my birthday.

If I have been convicted of a felony sex offense and I have not previously given DNA samples, I am required to submit two specimens of blood, a saliva sample, a thumbprint and a full palm print of each hand (PC 296).

I must provide proof of residence with a California Drivers License or Identification card or a recent rent or utility bill within **30 days** of registration.

If I am a parolee I must provide proof of registration to my parole agent within **6 working days** of release on parole.

If I am enrolled, employed (with or without compensation), or am located or reside on a university, college, community college or any other institute of higher learning, I must register with the campus police or law enforcement agency having responsibility over that campus in addition to registering with the local law enforcement agency having jurisdiction over my residence or transient location, and notify the registering agency for the campus within **5 working days** of ceasing to be enrolled or employed with the campus.

If I have more than one residence address or transient location, I must register all addresses and/or locations with the agency or agencies having jurisdiction over them.

Reminders for Registering Sex, Arson, and Narcotic Offenders

- No entity shall require a person to pay a fee to register or update their sex offender registration.
- If the registrant is changing address or transient location, remind him or her to reregister in the appropriate jurisdiction: **Sex registrants must register in a new address or location within 5 working days. Transients must update their registration information at least once every 60 days and within 5 working days of location change within a jurisdiction or to a new jurisdiction. Arson registrants must register in a new jurisdiction within 14 days. Narcotics registrants within 30 days.**
- Send the registrant's photograph to California Department of Justice, Registration Program, P.O. Box 903387, Sacramento, CA 94203-3870, or via e-mail per submission requirements stated in Information Bulletin #98-08-BCIA (also available on CLEW @ <http://justice.hdcdojnet.state.ca.us>). On the back of the photograph, print the registrant's full name, date of birth, CII number, VCIN-FCN number, type of registration (sex, arson, or narcotic), the name of your agency and ORI number, and the date.
- After the information is entered into VCIN, retain this form in your agency's file until DOJ provides authorization for destruction.

APPENDIX I:

SS 8072 REGISTRATION RECEIPT

STATE OF CALIFORNIA
REGISTRATION RECEIPT

☐ Penal Code Section 290

CII Number _____

☐ Penal Code Section 457.1

☐ Health and Safety Code Section 11590

OLN _____

Name of Registrant _____

Date of Birth _____

Residence Address _____

Name of Registering Agency _____

Right Thumb Print _____

Date of Annual Update _____

Date of Registration _____

Signature of Registering Office/Badge Number _____

Signature of Registrant _____

SS-8072 (Rev. 11/02)

APPENDIX J:

SS 8048 NOTICE OF NARCOTIC
OFFENDER REGISTRATION
REQUIREMENT

SS 8048
(01/89)

State of California - Department of Justice
REGISTRATION PROGRAM - P.O. Box 903387, Sacramento, CA 94203-3870
NOTICE OF NARCOTIC OFFENDER REGISTRATION REQUIREMENT — 11590 H&S

Please print or type required information (This is not the Registration Form)

PERSONAL HISTORY INFORMATION	FULL NAME OF PERSON NOTIFIED <div style="display: flex; justify-content: space-between;">LastFirstMiddle</div>									
	DATE OF BIRTH		SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	SOCIAL SECURITY NUMBER	
	DRIVER'S LICENSE NUMBER		CII NUMBER		FBI NUMBER			INSTITUTION NUMBER		
CONVICTION INFORMATION	ARRESTING AGENCY			DATE OF ARREST		PROSECUTING AGENCY			PROSECUTING COURT & CASE NUMBER	
	REGISTRABLE CONVICTION		MISD <input type="checkbox"/>	DATE OF CONVICTION		DATE OF SCHEDULED DISCHARGE OR RELEASE			DATE PAROLE OR PROBATION EXPIRES	
RELEASE INFORMATION	ADDRESS WHERE PERSON NOTIFIED EXPECTS TO RESIDE UPON DISCHARGE, PAROLE, OR RELEASE (Full street address, city, and zip code)									
	NAME OF AGENCY SUPERVISING PAROLE OR PROBATION					NAME OF SUPERVISING PAROLE OR PROBATION OFFICER				
	ADDRESS							TELEPHONE NUMBER		
NOTIFICATION STATEMENT	NARCOTICS OFFENDER NOTIFICATION — (11590 H&S)									
	<p>I have been notified of my duty to register as a convicted narcotics offender pursuant to Section 11590 of the Health and Safety Code. I understand that:</p> <ul style="list-style-type: none"> • My responsibility to register as a narcotics offender shall terminate 5 years after my discharge from prison, release from jail, or expiration of parole or probation. • I must register within 30 days of coming into any city, county, or city and county in which I am located or reside with the law enforcement agency having jurisdiction over my location or place of residence. • I must upon changing my location or place of residence, inform in writing within 10 days the law enforcement agency with which I last registered. • If convicted in any other state court or any federal court, I am required to register under the provisions above. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>SIGNATURE OF PERSON NOTIFIED</div> <div>DATE</div> </div>									
STATEMENT OF NOTIFYING OFFICER	NOTIFYING AGENCY			ADDRESS				TELEPHONE NUMBER		
	I certify that I notified the individual described above of his or her duty to register under provisions of the applicable statute.									
	SIGNATURE OF NOTIFYING OFFICER					DATE OF NOTIFICATION				
NAME AND TITLE OF NOTIFYING OFFICER (Please print or type)										

DISTRIBUTION: Original to DOJ; Copy to Law Enforcement Agency having jurisdiction over address; Copy to Notifying Officer; Copy to Person Notified (registrant); Copy to Prosecuting Agency

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